

In the Matter of the Investigation of  
certain charges against  
Hon. WM. B. SMITH, Mayor,

BY

A COMMITTEE OF COMMON COUNCIL.

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TESTIMONY

AND

Report of the Committee.

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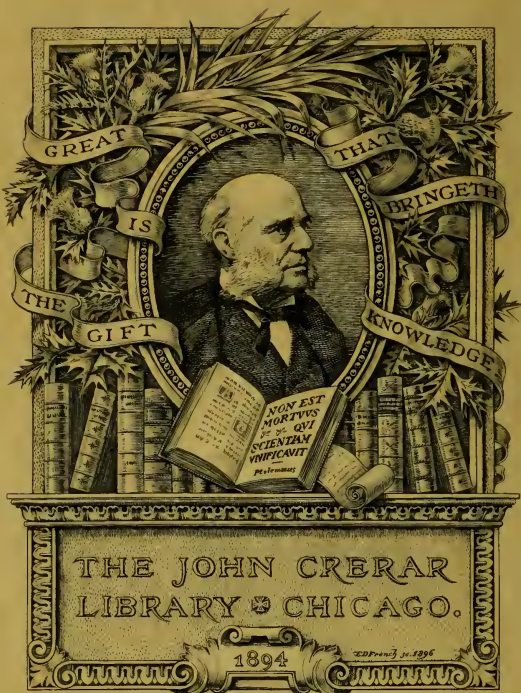
PRESENTED TO COMMON COUNCIL,

SEPTEMBER 13th, 1886.

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## SELECT COUNCIL CHAMBER.

PHILADELPHIA, *September 4, 1886.*

The Committee assembled at 10 o'clock A. M., this day, September 4, 1886, in the Chamber of Select Council.

Present:—Mr. Roberts in the Chair; Mr. Eckstein, Clerk, and the following members of the Committee—Messrs. Edwards, Bardsley, Iseminger, Claridge, Clay, Reinstine, and Lawrence, President of Common Council; of Counsel—Mr. Warwick, the City Solicitor; as representing the Mayor—Messrs Earle, Brightly, Ruddiman, and White.

### THE PRELIMINARY PROCEEDINGS.

Mr. Roberts (Chairman): The Clerk will read the resolution under which the Committee are acting.

Mr. Eckstein (the Clerk), here read the resolution, as follows:

### RESOLUTION

To appoint a Committee to investigate accusations against Hon. William B. Smith, Mayor of Philadelphia, and the Management of the Department under him.

WHEREAS, Honorable William B. Smith, Mayor of Philadelphia, has been openly and publicly accused of high crimes and misdemeanors in office, by the embezzlement and misuse of public moneys which have come into his hands, and with unlawfully changing and so altering checks drawn to the order of the City Treasurer, in payment of fees due the City of

9. series

Philadelphia, as to be enabled to deposit such checks in a private banking institution to his account, and unlawfully retain, embezzle, and misuse the moneys realized therefrom, and of other acts and deeds inconsistent with the high office of Mayor and the proper management of the department under him, the same being in violation of the laws and ordinances governing and regulating the affairs of the City of Philadelphia. Therefore,

*Resolved*, By the Common Council of the City of Philadelphia, that a Committee of seven members be appointed to investigate the aforesaid accusations, with full power and authority to send for persons, papers, books, and documents in the hands and possession of whomsoever the same may be, and the production and examination thereof before the Committee to compel and require. The Committee in discharge of their duties to exercise all the powers conferred by the Act of Assembly approved 17th day of May, A. D. 1883, entitled "An Act authorizing Councils in cities of the first class to issue subpoenas and take the testimony of witnesses concerning the management and accounts of any of the Departments of said City, or any other matter which may be subject to their supervision, also providing for the compulsory production of books and papers, and a mode of compelling the attendance of witnesses by attachment for contempt, and authorizing and defining the punishment therefor." And the said Committee are hereby instructed and directed to make report to Common Council, at a special meeting to be held Thursday next (September 9th), at three o'clock P. M., as to the truth or falsity of such accusations. And if the truth of such accusations be established by the facts and proofs exhibited before said Committee, that their report be accompanied by articles of impeachment against Hon. William B. Smith, Mayor of Philadelphia. For the better discharge of their duties the Committee are hereby empowered to employ a stenographer.

*Resolved*, That the City Solicitor be, and he is, hereby requested and directed to attend all meetings of the said Committee, that all the rights of the Committee may be exercised and the interests of the City of Philadelphia protected.

Mr. Roberts, Chairman (addressing Mr. Johnson, the Messenger of the Committee): Mr. Johnson, did you serve the subpœnas as ordered by the Committee?

Mr. Johnson: Yes, sir.

(The Clerk of the Committee here reads the list of the witnesses ordered to be subpœnaed by the Committee, and as their names are called those of the witnesses present before the Committee answer to their names.)

Mr. Roberts, Chairman: Is the notary present?

Mr. Eckstein, the Clerk: Yes, sir.

(Mr. Charles White, a notary public, here appears as ready to perform the duty for which he was selected, in the swearing of witnesses.)

*George W. Johnson*, being duly sworn according to law, testified as follows:

Examination by Mr. Roberts, Chairman:

Q. Certain of the gentlemen who were upon the list of witnesses to be subpœnaed are not present. Why are they not present?

A. Because some of them could not be found, and others of them were out of the city and couldn't be reached in the short time that was given.

By Mr. Clay:

Q. Have all responded who were subpœnaed?

A. All save one man, Mr. Garman. He told me that he would be right down. Every man that I saw personally has answered to his name except that one.



Mr. Bardsley : In common with others, I have seen it stated in the papers that his Honor, the Mayor, has frequently said that the charges which the Clerk has just referred to were not true. It has always been customary, when Committees of Councils were investigating Departments of the City, to first hear from the party charged ; because, perhaps, his explanation may be entirely satisfactory, and save the time of the Committee as well as the time of the witnesses. Cases have occurred where the explanations were entirely satisfactory. In order that his Honor, the Mayor, may have an opportunity now, before we commence the examination of witnesses, I would suggest that you invite the gentlemen who represent his Honor to make any statements looking to the refutation of the charges that they in their judgment may deem proper.

Mr. Roberts, Chairman : Is it the pleasure of the Committee that the suggestion of Mr. Bardsley should be carried out ?

(Upon the question being put to the vote, it was agreed to by the Committee.)

Mr. Roberts (Chairman) : Are the counsel of the Mayor present ?

Mr. Ruddiman : I am honored to be so engaged. I have the honor to appear, with others, as counsel for his Honor, the Mayor, and to present to you, at his request, in the first instance, a letter which I shall place in your hands, for the Committee, to be presented through you. His Honor is not himself present, save by counsel, but will be present immediately upon any call at the instance of the Committee. He is of the opinion, as are his counsel, that this statement, just presented to the Committee, will be of material value in assisting the labors of the Committee, and I am very much indebted for the suggestion of the honorable member of the Committee, who has given me the opportunity of presenting this paper. I present it on behalf of his Honor, with the intention that it shall be read, and with the hope that it will aid the labors of the Committee,

and with the assurance upon his part that he will be at your entire service at the demand of the Committee, at any moment, for any purpose, respecting your labors.

Mr. Bardsley: I move that the paper just presented by counsel for the Mayor be read.

Upon the question being put to a vote, it was agreed to. Whereupon the communication from his Honor, the Mayor, was read by the clerk, as follows:

OFFICE OF THE MAYOR OF THE CITY OF PHILADELPHIA

*September 3, 1886.*

CHARLES ROBERTS, ESQ.,

Chairman and Members of the Committee of Investigation,  
under Resolution of Common Council of September 2, 1886.

GENTLEMEN:—I am this day in receipt of a communication from the Clerk of Common Council enclosing a copy of the resolution of Common Council appointing your Committee, and the names of the members thereof, with notice of a meeting to-morrow at 10 A. M.

In the preamble to said resolution it is recited that as Mayor of the City of Philadelphia I have been openly and publicly accused of “high crimes and misdemeanors in office by the embezzlement and misuse of public moneys which have come into his hands, and with unlawfully changing and altering checks drawn to the order of the City Treasurer in payment of fees due the City of Philadelphia, so as to be enabled to deposit such checks in a private banking institution to his account, and unlawfully retain, embezzle and misuse the moneys realized therefrom.”

Such accusations, while heretofore discussed in public newspapers, have not been presented in any shape which it seemed proper for me to notice, but, coming from your Committee, I am now afforded an opportunity of replying which it gives me pleasure and relief to avail myself of. Therefore, out of re-

spect to your Committee and to the honorable body which you represent, and of which you are a part, I think it incumbent upon me, at this time, before you proceed with your labors, to lay before you a clear statement of my connection with any funds of the city of Philadelphia during the current year.

The moneys which came into my office during this year amounted in the aggregate to \$10,071.03, made up as follows :

For coal oil licenses, wholesale, . . . . .	\$330 00
For retail oil licenses, . . . . .	450 00
For theatrical licenses, . . . . .	350 00
For gunpowder licenses, . . . . .	25 00
For redemption of dogs, etc., . . . . .	886 00
For sale of cow, horse and wagon, . . . . .	15 75
For fines on Police officers, . . . . .	14 28
For pawnbrokers' licenses, issued . . . . .	2,700 00
For pawnbrokers' licenses, not yet granted, . . . . .	5,300 00
Total, . . . . .	<u>\$10,071 03</u>

The first four items of the above account, being coal oil licenses (wholesale and retail), theatrical, and gunpowder licenses, amounting in the aggregate to \$1,155.00, were paid directly to my Secretary, John L. Linton, by the parties applying for the same. The money (except one hundred and fifty (150) dollars, paid to the City Treasurer on the day of its receipt, August 31, 1886) was in his charge (not mine) until the 27th of August, ultimo, when, in accordance with the opinion of the City Solicitor, I directed its payment into the City Treasury.

By contract entered into, and in pursuance of ordinances of the city between myself, as Mayor of the City of Philadelphia, and the Women's Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals, it was agreed that all moneys for the redemption of dogs, etc., should be paid "to such officer or officers as the Mayor of the said city may designate." Under the same I designated Howard March, my

Chief Clerk, as the recipient of said money, and during this year there was paid to him the sum of \$886.00 on said account. After so designating him I knew nothing personally of its custody until it was paid into the City Treasury. I never had any personal control or custody of any of said money, or of the two following items in his account—"Sale of cow, horse and wagon and fines from officers," amounting to \$30.03, all of which were directly accounted for by him to the City Treasurer.

As to the law relating to pawnbrokers, I have been guided by the advice of my counsel, Isaac H. Shields, Esq. The law which authorizes the Mayor to issue such licenses, directs him to require, as preliminary to the same, the filing of a bond, the depositing of a policy of insurance, and satisfactory evidence of the good moral character of the applicant. Until such necessary conditions are complied with, the Mayor is not obliged or authorized to issue a license, the money for which is made payable to the City Treasurer, and not to the Mayor. It, however, had been the custom for the pawnbrokers on making their application and before any other steps were taken, to deposit their one hundred dollars with the Mayor's Secretary, subject, in each case, to the contingency as to whether the license would be finally granted or not.

Upon the question as to whether such moneys could, in any sense, be considered "public moneys in my hands" until all the preliminaries were perfected, I took the opinion of my counsel, Mr. Shields, and was advised by him that they were not the money of the City of Philadelphia until the license should be granted; that the Secretary could only receive them as the agent of the applicant, and that it would be his duty to repay them to the applicant in the event of any subsequent refusal, for any valid reason, to grant the license. He further advised me that, in granting the license, it was my duty to immediately pay the money in each case to the City Treasury. Acting upon such advice, that they were not public moneys until the license was granted, I deposited such money in my

own name, in an account which I have had with the Fidelity Insurance Trust and Safe Deposit Company for many years. This account was originally opened on December 8, 1880, and several years before my election as Mayor, in my name as "Treasurer." The reason for this was, that as I was entrusted with a great variety of funds from a number of societies in which I held official position, as well as from other sources apart from my business, though in some instances personal, and in amounts so small as not to justify separate accounts for each deposit, I thought it advisable and proper to open an account that could be easily distinguished from that connected with my business, and so did under the name of "William B. Smith, Treasurer." In one instance where the amount justified it, I did have a separate account as "Trustee," and it was partially for that reason that I selected the new term "Treasurer" for this general account. The sum of \$48,095.71 has been deposited by me to that account during this year, of which but about \$8,000 consisted of the license and fees in question. Not believing the money to be public money, and knowing full well my own financial ability to repay the same, I may have been careless in some instances in keeping my balances up, but I acted in good faith and with no intention of wronging the city, as is evidenced by my immediate payment of the whole amount into the City Treasury when so advised by the City Solicitor, upon the same day I received such advice.

The sum of twenty-seven hundred (2,700) dollars in my above account for "Pawnbrokers' Licenses, issued," was paid into the City Treasury, in each instance, on the day the licenses were issued—the plan which I had previously followed without official or public criticism or complaint. If, therefore, according to the advice of my counsel, as I have above stated, the moneys which had thus come into my possession remained the property of the applicant, and did not in anywise constitute a part of the funds of the city until the transaction between the city and the applicant had become



wholly completed, it cannot fail to appear that in no sense, technically or otherwise, could I have been an embezzler or misuser, in the purport of the resolution adopted, of a cent of the money of the City of Philadelphia.

In no respect and to no extent, I respectfully contend, can I be charged with the embezzlement or misuse of the moneys of any person or persons when, at the demand of such person, as at the direction of the City Solicitor, I was prepared at any moment either to pay back to the person or over to the city any and all amounts in my hands.

I desire now to respectfully call your attention to what I may call the second of the charges meant to be formulated against me in the resolution providing for your appointment, that is to say, "with unlawfully changing and altering checks drawn to the order of the City Treasurer in payment of fees due the City of Philadelphia, so as to be enabled to deposit such checks in a private banking institution to his account, and unlawfully retain, embezzle, and misuse the moneys realized therefrom."

Concerning this alleged imputation I am able to submit to you a clear and positive denial of the charge itself, or of anything which may be meant to be inferred from it. No checks as stated were ever so altered by me or with my knowledge or consent. All checks endorsed by me were in every instance brought to me by my secretary, and the indorsement signed by me in the form in which they were first presented. I had no intercourse with the makers of the checks or the parties who brought them, and have no personal knowledge of what occurred between them and the secretary.

I have now briefly and truthfully endeavored to present before the Committee all the knowledge which I myself possess, and all the information which I have credibly received upon the subjects which seem to be the essential matter of your investigation. I do not regret the constitution of your Committee, or that the inquiry has been taken out of the region of irresponsible statement or publication. I do not fear, under

the direction of the calm, fair, and impartial consideration which this Committee will bestow upon the whole case, any result of your deliberations as affecting myself or my official conduct. If I have committed mistakes, that is a common weakness of humanity, but I affirm solemnly that no intent to commit a wrong has accompanied or been a part of them.

Very respectfully,

WILLIAM B. SMITH,

*Mayor.*

(Upon the conclusion of the reading of the foregoing communication from his Honor, the Mayor,

Mr. Roberts (Chairman): What is the pleasure of the Committee with regard to that letter?

Mr. Clay: I move that the Clerk be directed to preserve this letter from his Honor the Mayor, as a part of the records of the Committee, so that we may have it any time for reference.

(The question being upon the motion of Mr. Clay, it was agreed to.)

### TESTIMONY.

*Solomon L. Linse*, being duly affirmed according to law, testified as follows:

Examination by Mr. Roberts, Chairman:

Q. What is your business?

A. I am a pawnbroker.

Q. Whereabouts is your place of business?

A. 626 South street.

Q. How long have you been in the business?

A. Nineteen or twenty years in that neighborhood.

Q. Did you procure a license in 1885 to conduct your business?

A. I did.

Q. How much did you pay for it ?

A. One hundred dollars.

Q. To whom did you pay that \$100 ?

A. To the order of William B. Smith.

Q. Did you pay in a check ?

A. I did.

Q. It was not in money ?

A. It was a check.

Q. Have you that check ?

A. I have.

Q. Will you please present it ?

A. Certainly.

The witness here produces a check, which is read by the clerk, as follows :

*“Philadelphia, Pa., January 9th, 1884.*

“No. 390.

“SIXTH NATIONAL BANK.

“Pay to the Order of William B. Smith, or order, One Hundred Dollars.

“(Signed.) SOLOMON L. LINSE.”

Q. What are the indorsements ?

The clerk here reads the indorsements on the check, as follows :

“It is indorsed ‘William B. Smith. Deposit to the credit of William B. Smith, Treasurer.’”

Q. Now, have you a license ?

A. I have.

Q. Please produce it.

(The witness here produces a license.)

Q. Have you any receipt for the payment of that money ?

A. I have no other receipt but what you see (indicating papers).

By Mr. Clay :

Q. What is the date of that license ?

A. The 26th day of December, 1885.

By Mr. Roberts, Chairman :

Q. When did you comply with the conditions of the law as to insurance and bond ?

A. I was not asked that question. I left my policy there. At the commencement, when I took out my license, I left my policy.

Q. Do you mean when you paid the money ?

A. Yes, sir.

Q. Do you mean that you left that insurance policy ?

A. Yes, sir—in 1885.

By Mr. Clay :

Q. Did you leave the policy at the same time that you left the check ?

A. In 1885 ?

Q. Yes.

A. I think I did.

Mr. Roberts, Chairman : The Committee will desire to preserve these documents. You will please leave them. They will be kept safely and will be returned to you.

By Mr. Roberts, Chairman : From whom did you get the license ?

A. From the Clerk. I suppose his name is Linton.

Q. Did you pay any more than the \$100 fee ?

A. I don't remember.

Q. You don't remember paying anything more in 1885 ?

A. No, sir.

Q. Now, have you procured a license for 1886 ?

A. I have.

Q. How much did you pay for it ?

A. \$100.

Q. To whom did you pay that money ?

A. To the same party I paid it to in 1885.

Q. Did you pay it in money or in check ?

A. In check.

Q. Will you please produce it ?

(The witness here produces a check, which is read by the Clerk, as follows :

*Philadelphia, Pa., January 8th, 1886.*

SIXTH NATIONAL BANK.

Pay to William B. Smith, or Order,  
One Hundred Dollars.

(Signed), SOLOMON L. LINSE."

Endorsed "William B. Smith. Deposit to the credit of William B. Smith, Treasurer."

Q. Have you any license for the present year ?

A. I have.

Q. Please produce it.

(The witness here produces license.)

Q. Have you any receipt for the money other than the license ?

A. I always consider my check as a receipt sufficient.

Q. When did you comply this year with the conditions of the insurance and the bond ?

A. On the date of the issue of the license—the paying the money or the check ; the day that I paid the money I took an insurance in trust for William B. Smith, in the Firemen's Association, I think.

Q. In January ?

A. Yes, sir.

Q. When did you get this license ?

A. I received it a couple of weeks ago. I cannot tell the exact date.



Q. Did you pay anything else this year than the \$100 ?

A. That is all we were required to pay.

Q. Is that all you did pay ?

A. That is all I paid.

By Mr. Clay :

Q. The law prescribes that upon application for your licenses you shall file testimonials as to character and a policy of insurance and a bond ?

A. Yes, sir.

Q. At the time of making your payment of \$100 to the Mayor, was that payment accompanied with all the papers required, the bond and the policy of insurance and the testimonials of character ?

A. The bond.

Q. And the policy of insurance ?

A. Yes, sir.

Q. What about the testimonials of character ?

A. I was not asked any question about them.

Q. You were not asked to produce them ?

A. No, sir.

Q. Was that same form gone over in 1886 ?

A. Yes, sir ; and since I have been a broker.

Q. The license in 1885 was issued in December of that year ?

A. Towards the latter end of the year.

Q. You paid in January and received your license in December ?

A. No ; I did not say that I received the license. I received it in the following December after I paid it.

Q. But I mean you paid in January 1885, and received your license in December 1885 ?

A. Yes, sir.

Q. You have testified before the Committee that you have been engaged in this business for nineteen or twenty years ?

A. Yes, sir.

Q. Under the administration of Mayor King in what manner and form were your licenses issued?

A. In eight or ten days afterwards we always received our licenses.

Q. In every instance?

A. In every instance, under all preceding administrations.

Q. Under Mayors Stokeley and Fox?

A. Yes, sir; it might have been eight or ten days, or three weeks at the utmost.

Q. It was not until the administration of Mayor Smith that your licenses were withheld so long after your payments were made?

A. Not to my knowledge.

By Mr. Lawrence:

Q. Under the previous Mayors you received your licenses in the month of January?

A. To the best of my knowledge and belief.

Q. Within two or three weeks?

A. Yes, sir; after I paid the money.

Q. During the year 1885, you did not have a license until the thirtieth day of December?

A. No, sir.

Q. Are you aware of the fact that it is a misdemeanor to conduct your business without having a legal license?

A. But I paid the money.

Q. Did you consider the paying of the money as having a license?

A. I paid it to the person I always paid it to.

Q. If you had been prosecuted for conducting your business without a license, do you suppose the fact of your having paid your money would have shielded you from the offence?

A. I thought so.

By Mr. Clay.

Q. Were any reasons ever given you by any officers connected with the Mayor's Department for withholding your license in 1885?

A. No, sir; I never asked.

Q. No reasons were ever given?

A. No, sir.

Q. Was that the case in 1886?

A. Do you mean were my reasons given?

Q. Yes.

A. No.

Q. In 1886 you deposited a policy of insurance in the name of William B. Smith?

A. In trust to William B. Smith.

Q. What had been the custom under preceding Mayors?

A. Just to deposit the policy of insurance.

Q. The selection of the company was left to your discretion under preceding Mayors?

A. Always.

Q. The policies were yours?

A. Yes, sir.

Q. The first instance when you were required to deliver a policy made out in any other manner was under Mayor Smith?

A. Yes, sir.

Q. Did you present to the Mayor, or to any of his subordinates, a policy of insurance in your own name, this year?

A. My agent has done it for me.

Q. Tell the Committee why your policy this year was made out in the name of William B. Smith, in trust?

A. He asked me for it—a gentleman they call Mr. Linton.

Q. Did he refuse to accept it in any other manner?

A. He would not take it unless I would do it.

Q. Did you offer it in any other way?

A. I did.

Q. In your own name?

A. I did.

Q. And it was refused?

A. Well, he asked me, and I went up to the Firemen's Association, and I got a policy, and they had it fixed in trust for William B. Smith.

Q. You had offered a policy in you old manner of doing it, and it was refused, and then, as I understand you, they asked you to have a policy made out in the name of William B. Smith, in trust?

A. Those were the requirements this year; and I consented to do it.

Q. When you were requested this year to have a policy made out in the name of William B. Smith, in trust, did you have the policy so effected?

A. Yes, sir.

Q. Did you do that, or did any one in the Mayor's office?

A. I done it.

Q. Yourself?

A. Myself. The Mayor didn't do any work for me at all, or the Mayor's clerk.

By Mr. Claridge.

Q. You presented your other policy, and that was not accepted—as I have understood you.

A. You misunderstood me. I said that I was notified of the requirements this year, that I would have to have a policy to the order of William B. Smith, and rather than have any annoyance, or be put in any jeopardy in doing my business without a license, I did it in that way.

By Mr. Roberts (Chairman).

Q. But you had tendered your other policy?

A. At the time I tendered my money.

Q. You tendered your usual kind of insurance, and were informed that the other requirement would have to be complied with?

A. Yes, sir.

*Samuel Nathans*, being duly sworn according to law, testified as follows :

Examination by Mr. Roberts, Chairman :

Q. What is your business?

A. Pawnbroker.

Q. Whereabouts is your place of business?

A. No. 247 North Ninth street.

Q. How long have you been in business?

A. Many, many years before the incorporation—before the consolidation—some thirty or forty, or probably fifty years.

Q. Did you procure any license, for 1885, for conducting your business?

A. Yes, sir.

Q. How much did you pay for it?

A. One hundred dollars.

Q. To whom did you pay for it?

A. The Mayor's secretary, Mr. Linton.

Q. How did you pay it?

A. In money. I always pay by money.

Q. You did not pay by check?

A. No; always by money.

Q. Have you your license?

A. Yes, sir.

Q. Please produce it?

(The witness here produces license.)

Q. Did you take any receipt for this license

A. No, sir.

Q. When did you comply with the conditions regarding the insurance and the bond?

A. Well, at the same time I paid my money; on the 31st of December, 1884, for the license for 1885.



Q. That is, you anticipated the license for 1885 by paying for it in 1884?

A. In consequence of my policy of insurance, in order to protect the depositors of the goods.

Q. When did you obtain your license—when you paid your money?

A. No; some time afterward.

Q. How long afterward—a week or a month?

A. To tell you honestly, I never gave it any consideration; but it was some time afterward. I cannot say how long.

Q. Was it a longer time than under Mayor King, or Mayor Fox, or Mayor Stokley—longer than they used to keep you?

A. I think it was.

Q. Now, with regard to the present year, 1886, have you procured a license for this year?

A. Yes, sir.

Q. When did you pay for it?

A. On the 2d of January, 1886. On the 1st of January no one was there to receive the money.

Q. It was a holiday?

A. I don't know whether it was a holiday. I presume that the 1st of January in 1885 may have come on a Sunday, but I am not positive. Before, I paid it on the 31st. I am always particular about paying my license on the day it is due, to hold my insurance good.

Q. How did you pay that—in money or in check?

A. Always in money.

Q. Have you that license with you?

A. Yes, sir.

Q. Please produce it.

(The witness here produces license.)

Q. When did you get this license—how long ago?

A. I suppose—I think I got it in August, if I am not mistaken.

Q. About a month ago, or less?

A. Yes, sir.

By Mr. Lawrence:

Q. As you paid in money, in notes, and not by check, how do you know that you paid on the 31st of December, 1884, for the license of 1885?

A. I made the entry in my books. I am always my own book keeper.

Q. Then you know it by your books?

A. Yes, sir. I entered it in the cash-book and in the ledger. I always keep my own books. I marked it on the license, and copied from them.

By Mr. Clay:

Q. You say you have been engaged in business for many years?

A. Yes, sir.

Q. Under preceding Mayors how long, after license fee was paid and the requirements of the law complied with, did you receive your license?

A. A short time afterwards.

Q. Almost immediately afterwards?

A. Say, for instance, probably ten days, or it might have been thirty days. I never gave it any consideration. I entered my bond and obtained my insurance, and paid my money, and attended to my own business. When the license was ready they would send it up. My policy of insurance was invariably deposited at the Mayor's office.

Q. Always in your own name?

A. Always in my own name. The last time I said to the major, "here is \$30; won't you go to the corner of Sixth and Walnut streets and pay my insurance?" He said, "Do you require a receipt?" and I said, "Oh, no; it is all right;" and I suppose that he paid it.

Q. Was that during this year?

A. This year.

Q. Then, in the year 1886 you paid \$100 license fee to Major Linton, and at the same time you gave him money with which to effect your insurance?

A. Thirty dollars.

Q. How was it under the preceding Mayors?

A. I invariably paid my own insurance. I would go to the Mayor's office, and would say to Joe Marcer, "I will trouble you for my policy of insurance," and I would get it and get it fixed.

Q. How did you come to depart from that rule in taking out your license this year, in asking Major Linton to effect your insurance?

A. I did not want to take the trouble to go to the Insurance Company.

Q. Did you ask him to do it?

A. I asked him as a particular favor. He said, "Do you require a receipt?" and I said, "Oh, no." He done it to oblige me.

Q. In the year 1885 your license was paid for on the thirty-first day of December?

A. Yes, sir.

Q. And you did not receive it until the twentieth day of August, 1885?

A. I presume so. It is there, (indicating the license).

Q. Were you subjected to any annoyance by the police officials during that time?

A. None, whatever.

Q. In 1886 you paid for your license on the 2d of January, 1886?

A. Yes, sir.

Q. And did not receive it until the 20th of August?

A. Yes, sir.

Q. During that time was there any disposition on the part of the Police Department to annoy you?

A. None at all. I always found them very correct. I have always been very friendly with them. The first license I had was in the Northern Liberties, under William Bruner, I guess it must be fifty odd years ago. I have never found any difficulty. If they did not send me my license at all I did not give it any consideration. I don't think the insurance is payable to the Mayor, and I certainly would have objected to it; for I do business in my own name.

By Mr. Bardsley :

Q. Have you ever seen your policy of insurance for this year? Do you know that there is one?

A. Not my own; I have not seen.

Q. But I am asking you whether you have seen your own?

A. No, sir.

Q. Is there one?

A. I presume so. There must be. They must have it at the Mayor's Office.

Q. But you don't know how it is drawn up?

A. I don't suppose the insurance would make any alteration, unless upon a written notice by me, or by my sanction. I certainly would object to it.

Q. Did you pay Major Linton any fee for his services?

A. No, sir. But I will tell you one thing; from the time I have been in business, which has been many, many years, I have always made it a rule with them the same as with my clerks; I invariably hand them five dollars for a New Year's present, without their asking any questions.

Q. It is just a little kindness on your part?

A. Yes, sir. And that is the reason why I told him I wanted him to do me a favor, and reciprocate by going over and getting my insurance for me.

Q. Then you gave him \$135?

A. I paid him \$130. The five dollars was for the New Year's present. It was unsolicited in any way.

Q. I am not calling you to task about that. You had a perfect right to do that. But you paid him \$135—\$100 for the license, \$30 for the re-insurance, and \$5 for the New Year's present for Major Linton?

A. As I had always done under previous administrations.

Q. And they never refused to take it?

A. No. They would be very foolish if they did.

Q. Did it ever occur to you, that it was your duty to have possession of this license between January of this year, and August? Did it ever occur to you that you were doing business without a license?

A. No sir. It never occurred to me—anything of the kind. I took that for granted.

Q. That it was all correct?

A. That it was all right. I entered my bond and I paid my insurance, according to law. Suppose my license would have been burned or destroyed, I always considered that my policy was safer in the Mayor's hands than it would be in my own fire-proof. I wouldn't keep a policy of insurance on my own stock of goods in my own fire proof. It would be safer in the Bank or wherever it was, or in the Mayor's hands. I considered it more secure.

Q. You thought that your payment of the money was sufficient?

A. Yes sir; and the entering of the bond. And every ordinary man would think so.

Q. If any person in authority had come to you and said that you were not pursuing your business according to law, unless you could have shown him your license, what would you have said?

A. I would have gone to the Mayor's Office and told him that I wanted my license, and I suppose that I would have got it. I suppose I would have done that. But I have never given any consideration to it. I supposed that paying this money and entering the bond was the protection, all the same.



*A. J. McGarry*, being duly sworn according to law, testified as follows :

Examination by Mr. Roberts (Chairman).

Q. What is your business?

A. I am engaged in the pawnbroking business at the present time. I was formerly a tailor.

Q. Where is your place of business?

A. At the northeast corner of Fifth and Vine streets, and I am also a member of the firm of Harvey & McGarry, at the southeast corner of Sixth and Race streets.

Q. For how long have you been in that business?

A. Many years ago I was in the same business down town, but I started the pawnbroking business at Fifth and Vine streets in 1872.

Q. Did you procure a license in 1885?

A. I did.

Q. How much did you pay for it?

A. One hundred dollars.

Q. Did you pay in cash or check?

A. In check.

Q. Have you that check?

A. I think I have.

Q. Please produce it.

(The witness here produces a check.)

Q. Have you knowledge of the payments for both firms?

A. I can answer for both. I attend to the payments and get the licenses for both.

(The check produced by the witness is here read by the Clerk of the Committee, as follows :

*“Philadelphia, Pa., January 3, 1885.*

“Penn National Bank, pay to the order of the City Treasurer, or bearer, one hundred dollars.

“(Signed) A. J. McGARRY.

“Endorsed ‘William B. Smith,’ deposit to the credit of William B. Smith, Treasurer.”)

Q. Have you your license for last year?

A. Yes, sir.

Q. Did you obtain any receipt when you paid the money?

A. No, sir. I never had a receipt in my life.

Q. Is it not the practice to give receipts in this business?

A. No, sir.

Q. When did you comply with the conditions of the law regarding bond and insurance?

A. The same day, I think; Mr. Harvey signed my bond, and I did his. The same date we made the application we signed the bond.

Q. The day you paid the money?

A. Yes, sir.

Q. When did you get the licenses?

A. The latter part of December—somewhere between Christmas and New Years.

Q. Have you procured a license for this year—1886?

A. No, sir.

Q. You have not?

A. No, sir.

Q. Have you paid for one?

A. Yes, sir.

Q. How did you pay?

A. By check.

Q. Please produce the check.

(The witness here produces a check, which is read by the Clerk of the Committee, as follows):

*Philadelphia, Pa., January 6, 1886.*

The National Bank of Northern Liberties, pay to William B. Smith, Treasurer, or order, one hundred dollars.

(Signed)

A. J. McGARRY.

Endorsed—"Pay to deposit of William B. Smith, Treasurer."

Q. I notice that this check (indicating check) has been altered since it was originally drawn.

A. Yes, sir.

Q. Did you do that?

A. No, sir.

Q. Who did it?

A. I cannot tell. I made out the check at the office, and it was all complete to the order of the City Treasurer. I don't know anything about it afterwards.

Q. How did it read when you left it at the Mayor's office? Now it reads, "William B. Smith, Treasurer."

A. This is one of the same kind, which should read, "pay to the City Treasurer;" but now it reads, "pay to William B. Smith, or bearer."

Q. You swear that when you made and signed this check it read, "pay to the City Treasurer, or order?"

A. Yes, sir.

Q. It did not read, "Pay to William B. Smith, Treasurer, or order?"

A. No, sir.

Q. Was it changed with your consent?

A. No, sir. I did not know anything about it until the check came back to me from bank.

Q. It had been altered by some one in the mean time?

A. That is the way in which it was returned to me (indicating the check), and I cannot say anything more about it.

Q. How is it you have no license for this year?

A. I will explain it. The Mayor has not got my policy of insurance on deposit. The Mayor's Clerk positively refused to receive it, unless it was assigned to William B. Smith. I declined to make the assignment, as such was not the custom, and as the law was that we were to deposit them with the Mayor, but not to assign them.

Q. Is this the first year that the demand was made?

A. 1885 was the first year.

Q. It was first made in 1885?

A. Yes, sir.

By Mr. Clay :

Q. You say that you have been engaged in business since 1872?

A. Yes, sir; really since 1859, with the exception of the years 1871 and 1870.

Q. In procuring your licenses heretofore, under Mayors who have preceded the present one, what form did you resort to in order to obtain your licenses?

A. Simply went there and made application, and took a bondsman along, and signed the application and paid the \$100.

Q. How were your checks drawn?

A. To the order of the City Treasurer.

Q. Always?

A. Yes, sir.

Q. How long after they were drawn would it be before you would receive your license?

A. Probably the next, or the second day afterwards.

Q. In looking at this check of 1885, which is dated January 3, 1885, (indicating check) it reads "Penn National Bank, pay to the order of the City Treasurer?"

A. Yes, sir.

Q. And then the words "Or Bearer" in print were stricken out. Were they stricken out by you?

A. Yes, sir.

Q. But now the words "Or Bearer" have been inserted. Was that by you?

A. That is not my hand writing.

Q. Was that done with your knowledge or consent?

A. No, sir.

Q. I find in the check of January, 1886; "National Bank of Northern Liberties pay to" what seems to have been "City Treasurer or order." Is that correct?

A. That is correct. "Bearer" was stricken out.

Q. Was the word "City" stricken out by your consent, and the name of William B. Smith inserted?

A. No, sir.

Q. You have no knowledge about that?

A. None whatever.

Q. Why did you draw your checks to the order of the City Treasurer?

A. Well, it is my custom to do so in all cases where I have to do with parties' or corporations' money.

Q. And you thought that this payment was due to the City Treasurer?

A. Yes, sir.

Q. Now, in regard to your insurance policy, you say that in 1886 was the first time you were required to—

A. No, sir; 1885.

Q. What took place between you and Major Linton in 1885, in regard to the insurance?

A. The Major declined to receive it until it was assigned to the Mayor.

Q. Did you make an assignment to the Mayor?

A. No, sir.

Q. Did he have a policy of insurance from you that year?

A. None.



Q. Did you receive a license in 1885, notwithstanding no policy was deposited?

A. Yes, sir. You have got it there before you (indicating a license).

Q. Then you mean to say to this Committee that you had a license in 1885, notwithstanding there was no policy in the hands of the Mayor.

A. I mean to say this—that I received it by mail. And there you have the date of it (indicating license).

Q. Were there any attempts made by the police to disturb you in the conduct of your business, or to compel you to meet the requirements of the law, which says you must deposit a policy of insurance with the Mayor?

A. No, sir; I never have had any trouble with the Police Department in my life.

Q. Have any efforts been made this year?

A. None.

Q. So you have been permitted, peaceably and quietly, to conduct your business, notwithstanding you have no license for your business?

A. Yes, sir.

By Mr. Roberts, Chairman.

Q. Have you any other checks than those which you have presented, which have passed through the Mayor's Office?

A. Not with me.

Q. This (indicating a license) is A. J. McGarry? Do you and the other firm do business under that license?

A. No, sir.

Q. How is it about that?

A. Well, it is about the same thing.

Q. Can you produce the checks for the payments for Mr. Harvey's license fees?

A. I don't know.

Q. Have you got the checks with you ?

The witness here produces a check for 1886.

By Mr. Clay.

Q. What about the checks for 1885—have you got them ?

The witness here produces checks.

Q. Here is a check (indicating a check) dated January 3, 1885, it is Harvey & McGarry. And here is another (indicating a check), January 6, 1886.

A. That is correct.

Q. Are these checks in your handwriting ?

A. Yes, sir.

Q. Were the words “or bearer” stricken out by you, in both instances ?

A. No, sir.

Q. Were these words “or bearer” inserted by you ? (Indicating on check.)

A. No, sir.

Q. Is this your handwriting ? (Indicating on check.)

A. No, sir.

Q. Was that change made by your direction or with your consent ?

A. No, sir ; I did not know anything about it until it came to me.

Q. Here on this check for 1886 ? (Indicating a check.) How was that check originally drawn ?

A. To the order of the City Treasurer.

Q. Was the change to “William B. Smith” made by you ?

A. No, sir.

Q. It is not your handwriting ?

A. No, sir.

Q. Was it made with your knowledge or consent ?

A. No, sir.

Q. Now, with regard to the firm of Harvey & McGarry, in the year 1885, did they deposit with the Mayor an insurance policy and bond, as required by law?

A. No, sir; they tendered it, but it would not be received unless it was assigned to the Mayor.

Q. Notwithstanding that you received your license for the year 1885?

A. Yes, sir.

Q. And were permitted to do business?

A. Yes, sir.

Q. What has taken place in 1886 with regard to the firm of Harvey & McGarry?

A. The same thing, except that we have not got a license.

Q. Have you given any additional sum to any of the subordinate officials in the Mayor's Office?

A. Well, as my venerable neighbor, who appeared before me, said, it has been a custom of mine, ever since I have been in business, to make the clerks a New Year's present, and I have done so.

Q. Did you always do it before?

A. With one exception, when Mayor Fox would not allow it, for a single year. I have never been asked for a dollar.

Q. You paid the \$5 in 1885 to Major Linton for each firm?

A. I didn't say as to the amount.

Q. What amount did you pay?

A. Possibly it might have been a little more. I would not be willing to qualify about it.

Q. Was it any less than that?

A. Oh, no.

Q. It was never less?

A. No, sir.

Q. You made that payment also in 1886?

A. Yes, sir.

By Mr. Claridge :

Q. In 1885, when you received those cancelled checks from the bank, and saw they were altered, did you make any objection to the alteration of the checks ?

A. No, sir.

Q. You did not go to the Mayor or to his Secretary and make any complaint ?

A. No, sir. I thought they were a good thing to keep.

By Mr. Clay :

Q. Why did you think they were a good thing to keep ?

A. Why, possibly somebody in authority might attempt to give us trouble.

Q. What would you then have done with them ?

A. I can't say until the thing would arise.

Q. Did you look upon this as an unlawful thing ?

A. I think so.

Q. And then, in case the Police Department attempted to misuse you in any manner, you would have used them to protect yourself ?

A. That is about it.

By Mr. Bardsley :

Q. Were you ever notified during this year to perfect your license ? Were you ever notified by the Mayor, or his officers, to make good the insurance policy ?

A. No, sir. I cannot say I was. I went to the Mayor's office once since the first of January and tendered the policies, but Major Linton declined to receive them unless they were assigned to the Mayor.

Q. Has not Major Linton notified you since then that the Mayor has no policy of insurance, and that you must produce one ?

A. No, sir.

Q. Then, in point of fact, the city has no policy of insurance in its possession from you?

A. No, sir.

Q. Are you aware that you have no right to pursue the business of pawnbroking, because you have not complied with the law?

A. I am well aware of it, but I have made a tender of compliance with the law, such as you gentlemen yourselves have made, that we shall effect an insurance of \$5,000, and deposit it with the Mayor for the benefit of the depositors.

By Mr. Clay :

Q. You think you complied with the law when you tendered your policy?

A. I did.

By Mr. Bardsley :

Q. Has your license ever been called for by any of the Police Department this year?

A. No, sir.

Q. You have never been disturbed in your business?

A. No, sir. I have never been called upon for my license in my life. Nobody ever doubted my having a license.

By Mr. Lawrence :

Q. When was it the Mayor refused, or his Secretary refused, to accept the policy you tendered?

A. On the 6th of January of the present year, or the sixth day of the week.

Q. He refused to accept that policy, and you have conducted your business since that time without molestation?

A. Yes, sir.

Q. Did you presume that the fact of your having those checks in your possession would keep hands off?

A. No, sir; I don't think anybody had any intention of putting hands on. But sometimes they are a little tricky, and it is a good thing to have something on hand to stave it off.

Q. Do I understand you to mean that knowing you had complied with the law, but had not received a license, that you intended, in case you were molested, to make these checks a safe-guard for yourself?

A. That was my judgment.

Q. That was your opinion?

A. Yes, sir.

By Mr. Roberts (Chairman):

Q. Have you turned over to the Committee all the altered checks in your possession?

A. Yes, sir. No, sir; I think there are two checks from Sixth and Race streets, and a check which was a loan. I made a loan to a gentleman on the 1st of January, and I just filled that up for the City Treasurer.

By Mr. Clay:

Q. Have you always paid your license fees by check?

A. Nearly always.

Q. Always to the order of the City Treasurer?

A. Always; except, possibly, twenty-five years ago.

Q. But I am speaking of the transaction of your business since 1872.

A. Always since then.

Q. To the order of the City Treasurer.

A. Yes, sir.

Q. Did you ever have those checks changed or altered in the manner in which those checks for 1885 and 1886 have been?

A. Never.



*Joseph Mekeal*, being duly sworn, according to law, testifies as follows :

Examination by Mr. Roberts (Chairman) :

Q. What is your business ?

A. Pawnbroking.

Q. Where is your place of business ?

A. 512 South Sixth street.

Q. How long have you been in business ?

A. Off and on since 1850.

Q. Did you procure a license for last year, 1885, to conduct your business ?

A. Yes, sir.

Q. How much did you pay for it ?

A. One hundred dollars.

Q. Did you pay anything more than one hundred dollars in connection with it ?

A. I did—five dollars.

Q. Did they ask you for the additional five dollars ?

A. No, sir.

Q. You paid it of your own accord ?

A. Yes, sir.

Q. To whom did you pay it ?

A. The Mayor's Clerk.

Q. How did you pay the money ?

A. By check.

Q. Have you the check ?

A. Yes, sir.

Q. Please produce it.

(The witness here produces a check.)

Q. Have you the license ?

A. Yes, sir.

Q. When did you get it ?

A. On the twenty-sixth day of December.

Q. Have you any receipt?

A. No; nothing more than the check.

Q. When did you comply with the conditions regarding the insurance and bond?

A. The same day or after.

Q. They day you paid the money?

A. Yes, sir; I got the policy from the Clerk and had it renewed.

Q. With regard to this year, 1886, did you pay any money for a license?

A. Yes, sir.

Q. When did you pay it?

A. The sixth day of January.

Q. Will you please produce it?

(The witness here produces a check.)

Q. Have you the license?

A. Yes, sir.

Q. Please produce it.

A. For this year?

Q. This year.

A. Yes, sir.

Q. When did you comply with the regulations this year regarding the insurance and bond?

A. A few days after I renewed my license.

By Mr. Edwards:

Q. Where did you draw these checks—at your place of business, or at the Mayor's office?

A. I think at my place of business.

Q. Both checks?

A. I think so.

Q. You are not positive?

A. I am not positive.

By Mr. Bardsley :

Q. I notice that the check for 1886 is pay to "Mayor Smith or order." Is that the way you always drew them, in favor of the Mayor?

A. Yes, sir.

Q. Every year?

A. Yes, sir.

Q. How did you make your policy of insurance?

A. Last year it was in my own name. This year it was in my own name, but I had it transferred to the Mayor. Mr. Linton required it.

Q. You were instructed at the Mayor's office that it was the necessary course?

A. Yes, sir.

Q. I notice by the receipt at the foot of this (indicating license) that the city received this money on the 23d of August?

A. I paid it long before that.

Q. You paid it on the date of the check?

A. Yes, sir.

Q. That is January 6th?

A. No, the 5th.

Q. Previous to Mayor Smith's term, when did you pay your licenses?

A. I couldn't say when I paid them; but here are the licenses, two of them, Mayor King's.

(The witness here produces licenses.)

Q. Now, for '83 the license reads that the City Treasurer received the money on the 3d of January, and that the license was issued to you on the same date. For '84 the city received the money on the 14th of January and you must have paid the money about the 5th of January. So it appears to have been your custom to pay this money early in the year?

A. Always in January, never later.

Q. Previous to last year you received your licenses very soon after you paid your money?

A. Yes, sir.

Q. After you paid in '85 you didn't receive your license until 26th of December?

A. No, sir.

Q. And you paid your money in January?

A. Yes, sir.

Q. Previous to '85 you received your license soon after you paid the money?

A. Yes, sir.

Q. But in '85 you paid your money in January and received your license in December?

A. Yes, sir.

Q. Did you ask for it? Did you make any inquiry why you didn't receive it?

A. No, sir.

Q. What did you think?

A. I thought that my check was receipt enough for the money.

Q. But did you make no inquiry or demand for the license?

A. None whatever.

Q. You didn't care whether you got it or not?

A. I was not very particular.

Q. You paid your money and you thought it was all right?

A. Yes, sir.

Q. Now in '86 you made no demand for the license?

A. No, sir.

Q. And you didn't care whether you got it or not?

A. Of course, I would rather have it, but I didn't think it worth while to.

Q. You didn't care enough to ask for it?

A. No, sir.

Q. The policy of insurance for this year '86 is to the order of the Mayor?

A. Transferred to the Mayor.

Q. In '85 it was in your own name?

A. Yes, sir.

Q. According to the requirements of the Mayor's office it was done?

A. Yes, sir.

Q. Now, I understood you to say that you paid the customary New Years present to the Clerk?

A. Yes, sir.

Q. Did you always do that?

A. Ever since I have been in business.

Q. They never refused it?

A. No, sir.

Q. Did you ever think it was the proper way to do—not to give you your license?

A. No; I didn't think it was the proper way.

Q. Did the police ever come and say where is your license?

A. Never.

Q. You never was molested in your business?

A. Never—in any shape or form.

By Mr. Clay.

Q. Can you explain to the Committee whether it would have been possible in any way, if you were disposed to evade the law, for the Mayor to have taken you to account, or to have compelled you to obey the law or have made you suffer loss, or have injured or disturbed or interfered with you in any way—by reason of your not having a license?

A. He had no reason for keeping it back. It was his fault and not mine.

Q. What I want to get at is this: whether it would have aided in any way in compelling you to a compliance with the

law, or whether there was any check upon you by the Mayor retaining your license and not giving it to you?

A. He had no reason to do so. There was nothing at all against my character.

Q. Your conduct was in accordance with the law at all times?

A. Yes, sir.

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*Jacob Rosenthal*, being duly sworn according to law, testifies as follows :

Examination by Mr. Roberts (Chairman).

Q. What is your business?

A. I am a pawnbroker.

Q. Where is your place of business?

A. No. 1813 South street.

Q. How long have you been in business?

A. In the neighborhood of nine or ten years.

Q. Did you procure a license for 1885 for doing business?

A. I did.

Q. How much did you pay for it.

A. \$100.

Q. Did you pay by check or cash?

A. By check.

Q. Have you got the check?

A. No, sir; I destroyed the checks for last year.

Q. You didn't retain it?

A. No, sir.

Q. When did you pay it?

A. About the first week in January.

Q. When did you get your license?

A. In December.



Q. Nearly a year afterwards?

A. The last month in the year.

Q. When did you comply with the law regarding the insurance and bond?

A. At the time I paid my license he said I would have to prove my bond and deposit a policy of insurance in the hands of the Mayor. I told him all right, and I went away and never thought anything about it.

Q. Did you comply with the law at all during the year?

A. No, sir.

Q. Not during the entire year?

A. No sir.

Q. Did he ask you again for your policy and bond.

A. No, sir.

Q. He didn't ask you?

A. No, sir.

Q. You went on last year without complying with the law in those respects, through an oversight, but got your license?

A. Yes, sir.

Q. Although you had not furnished a bond or insurance policy?

A. Yes, sir.

Q. Please produce your license.

(The witness here produces a license.)

Q. From whom did you get this license.

A. It was sent by mail.

Q. Did you pay anything else at the Mayor's office except the \$100?

A. I don't believe I did.

Q. With regard to this year, did you pay anything for license for 1886.

A. I did.

Q. When did you pay it?

A. On the fifth of January.

Q. How did you pay it ?

A. By check.

Q. Please produce the check ?

(The witness here produces a check.)

Q. When did you get your license this year ?

A. In August.

Q. Had you in the meantime complied with the law regarding the insurance and bond ?

A. I had given my insurance at the time I took the policy out. He said I would have to have it transferred to the Mayor. And he gave me this piece of paper, showing how to have it transferred.

(Producing a piece of paper.)

Q. Who gave it to you ?

A. Major Linton. And this receipt he gave me when I asked him for it. (Producing another piece of paper.)

Q. Have you taken out a policy this year ?

A. I notified my agent to have it transferred to the Mayor, and I presume it has been done.

Q. What about the bond ?

A. I notified my father to go on my bond, but I don't know whether he went or not. Yesterday I went to the Mayor's clerk in reference to my brother's paying \$100 ; and he said I want everything in writing. He said you have not given me any bond. I said, but you have given me my license. He said, I want your bond. I notified my father to go on the bond, and I suppose he has by this time.

Q. But you don't know ?

A. No.

Q. He had not done it yesterday ?

A. I don't know.

Q. When did you receive your license this year ?

A. In August.

Q. At that time you had not complied with the law, with regard to the insurance and—

A. The insurance is all right.

Q. But you don't know whether it has been transferred and lodged at the Mayor's office?

A. I don't know it; but I presume it has been done.

Q. But you don't know whether it has been done or not?

A. No sir.

By Mr. Clay.

Q. They issued your license, notwithstanding your bond was not executed?

A. Yes, sir.

By Mr. Roberts (Chairman):

Q. You paid the money both years in January?

A. Yes, sir.

Q. And you got your license last year in December, and this year in August?

A. Yes, sir.

Q. Although last year the insurance requirement was not complied with, and this year the bond requirement was not complied with?

A. Yes, sir. But I thought it was complied with.

Q. It was an oversight on your part?

A. Yes, sir.

By Mr. Claridge:

Q. You received a receipt from Major Linton saying that \$100 were received for a license for 1886, subject to approval. What did you understand by that?

A. I understood that it had to be approved by the Mayor in the first place.

Q. Didn't you understand that they required you to enter your bond or security?

A. I think so.

Q. You had no bond there at that time.

A. No, sir. I had the insurance policy; and he said it would have to be transferred.

Q. And you ordered your agent to have it transferred?

A. Yes, sir.

By Mr. Reinstine:

Q. You don't know whether that was done or not?

A. My agent told me that it was.

By Mr. Clay:

Q. How long have you been engaged in this business?

A. Between nine and ten years.

Q. What was the manner of procuring your licenses under the administration of Mayor King?

A. I went to the clerk and paid him \$100. He didn't give me any receipt, or nothing whatever. I asked for a receipt, and he said it was all right—all right.

Q. What did you do besides? File a bond?

A. No, sir.

Q. Deliver your insurance policy?

A. No, sir.

Q. Why not?

A. They never asked for it.

Q. I am speaking under a preceding administration?

A. I am speaking about that too.

Q. You say they didn't require it?

A. Yes, sir.

Q. This check (indicating a check), which is made out payable to the order of William B. Smith, Mayor, is it in your handwriting? Why did you leave this blank here? (Indicating on check.)

A. Yes, sir; that is my hand-writing.

Q. How had you been in the habit of drawing your checks?

A. In that manner.

Q. During the former administrations also?

A. Yes, sir.

*Daniel Rosenthal*, being duly sworn, according to law, testifies as follows :

Examination by Mr. Roberts (Chairman).

Q. What is your business ?

A. Pawnbroker.

Q. Where is your place of business ?

A. 1127 Poplar street.

Q. How long have you been in business ?

A. At that place about six years.

Q. Did you pay any money last year for a license ?

A. Yes, sir.

Q. When did you pay it ?

A. I paid it on the 31st of January.

Q. How did you pay it ?

A. I paid it in cash.

Q. Did you take any receipt at the time ?

A. I received no receipt.

Q. Have you taken out a license for this year or paid any money ?

A. Yes, sir.

Q. How did you pay it ?

A. In cash.

Q. For both years ?

A. Yes, sir.

Q. Have you got your license for this year ?

A. No, sir.

Q. Have you complied with the law regarding insurance and bond ?

A. Yes, sir.

Q. You paid your money, but got no receipt, and have complied with the law in other respects ?

A. Yes, sir.

Q. Why don't you get your licenses?

A. Because they say I didn't pay it. But I have two witnesses that I have paid it—that seen me pay it in cash. I paid it on the 5th of January.

Q. Who are those witnesses who saw you pay?

A. Mrs. E. Devine, who went on my bond. I signed the book and also she signed her name under it; and she is a witness that I paid.

Q. What is her address?

A. 1810 Stiles street.

Q. Who was the other witness?

A. The other was my brother, who came in and sat down to pay his own license.

Q. What is his name?

A. Jacob Rosenthal.

Q. The gentleman who has just been examined?

A. Yes, sir.

Q. You complied with the law regarding the bond and insurance policy?

A. Yes, sir. I put it in the hands of the agent and told him to attend to it.

Q. What agent?

A. A man named Pfeiffer, on Walnut street, above Fourth.

Q. An insurance man?

A. Yes, sir.

Q. How do you know he attended to it?

A. Because he brought me the receipts, and I paid them.

Q. How do you know he lodged the policy at the Mayor's office?

A. I put them there myself—transferred to Smith.

By Mr. Clay :

Q. You transferred it to the Mayor?

A. Yes, sir.



By Mr. Bardsley :

Q. When did you deposit the insurance policy ?

A. I deposited it with them in '85.

Q. I mean for this year ?

A. Well, they were down there.

By Mr. Clay :

Q. They are annual policies and you got them renewed ?

A. Yes, sir.

By Mr. Bardsley :

Q. When you had it renewed, did you take the receipt to the Mayor's office this year ?

A. No, sir.

Q. Had the Mayor received any receipt for this year's renewal ?

A. He brings me the receipt.

Q. Who does.

A. The agent.

Q. A receipt from whom ?

A. From the Insurance Company ; and I pay him.

Q. What did you do with that receipt ?

A. I put it away.

Q. Then what knowledge has the Mayor that that policy is renewed for this year ?

A. I don't know. I wrote to the agent about a month ago a postal card, asking him in regard to it ; that he should let me know just how it all stood. I didn't see him until last night, when he walked into my office, and then I got very little information from him. There are two policies down in the Mayor's office, and I know one is paid up ; but about the other I don't know. I wanted him to give me the information just how the thing stood.

Q. What did he tell you ?

A. He came to see me in the evening, that is, about six o'clock, when I was closing up, and I got very little from him.

He told me how much insurance I held—\$7,000, but how it stood he didn't tell me.

Q. That is, whether it was alive or not, he didn't know?

A. Well, it is alive, because I paid up the receipts when he brought them.

Q. Then, what information did you want from him?

A. I wanted him to tell me how I stood at the Mayor's office.

Q. How could he tell you that?

A. He knows when I paid the receipts.

Q. Was it his duty to take the receipt from the Insurance Company for the renewal of the policy to the Mayor's office—was it his duty or your duty to take it there?

A. I don't know. He came and brought them to me and I paid them.

Q. What did you do with the receipt that you got? Have you got it with you?

A. Not with me. It is home.

Q. Then, so far as the Mayor knows, has not the policy at the Mayor's office expired?

A. I don't know. I know that one of them is in existence, because I have got the receipt for it at home.

Q. For how much is that policy?

A. \$2,500. I don't know whether the other was paid or not.

Q. Then the fact of the matter is that you don't know whether the law has been complied with or not by depositing a policy of insurance for \$5,000 with the Mayor—you don't know whether you have complied with the law or not?

A. I am not positive. I wrote to him to find out, because if it was not I would have complied with it.

Q. But you wrote to him about a week ago.

A. A couple of weeks ago, but he didn't receive the postal.

Q. When did you pay the money ?

A. On the fifth of January.

Q. When did you give the bond ?

A. The same day, at the same time.

Q. Didn't you know it was necessary to perfect the law by giving a policy of insurance at the same time ?

A. Well, I never gave it a thought. I knew the two policies were down there and I thought they were paid up.

Q. Did anybody at the Mayor's office ask you where the insurance was ?

A. No, sir.

Q. Didn't they say a word to you about it ?

A. No, sir.

Q. They just accepted the bond and money and didn't say anything about the insurance ?

A. No, sir.

Q. Nor you, either ?

A. Which year are you speaking of ?

Q. This year.

A. No, sir.

Q. You don't know anything about the insurance for this year ? You only know you paid the money and gave the bond ? But the insurance you don't know anything about ?

A. No, sir.

Q. But you wrote to your insurance agent a week or two ago for information ?

A. Yes, sir.

Q. It was this talk in the newspapers which kind of stirred you up ?

A. Yes, sir.

Q. You wanted to see if your house was in order ?

A. Yes, sir.

Q. The Mayor now says that you didn't pay this money ?

A. Yes, sir.

Q. But you are able to prove you did ?

A. Yes, sir.

Q. Had the Mayor made any demand upon you for the money ?

A. No, sir.

Q. Then, so far as the Mayor's office knows, you are carrying on business contrary to law, because the Mayor says you have not paid this money ?

A. But I went down to see him in regard to this. I went to Major Linton and talked to him over it, and I had my two witnesses that seen me pay it. Well, he told me to write him a letter in several days and explain how it was done. There were the two witnesses to it. He afterwards when the papers said there was no record on his books or anything else, but two days ago, on Friday morning, when I went with the person who signed my bond, he admitted that the book was signed and that the bond had signed ; but still he said that the money he didn't remember to be paid. But I said, there are the witnesses that I paid it.

Q. What book did he refer to when he admitted that the book was signed ?

A. Why, it is a form in which he put my name at the top, and the ward.

Q. And the bond—that is your surety signed on the same day ?

A. Yes, sir.

Q. He said, a few days ago, that the bond was all right, but the money was not there ?

A. Yes, sir.

Q. How long have you been in business ?

A. At that place, six years.

Q. Do you have to give security every year, or have it renewed every year ?

A. Well, the last two years it has been a different party who has signed it for me.

Q. In 1885, when you gave the bond, did you give it the same day you paid the money?

A. Yes, sir.

Q. In 1884 did you furnish the security the same day you paid the money?

A. Yes, sir.

Q. Did you ever take a security to the Mayor's office without the money?

A. No, sir.

Q. You are sure of that?

A. I paid the license every time I went. I am surprised he should say that I didn't pay it, when I signed and had my bond there.

Q. What did you sign; the bond?

A. Yes, sir.

Q. You didn't sign anywhere else that you had paid the money?

A. Well, I signed in this book first, and my bond signed after me, and I handed him the money.

Q. You signed the bond first, and your security next, and then you paid down the money?

A. Yes, sir.

Q. And you always did that?

A. Every year the same.

Q. The day you gave the security you paid the money?

A. Yes, sir.

Q. If you went there without paying the money, would he take your bond?

A. I don't think so.

Q. Did you ever try it?

A. No, sir.

By Mr. Roberts, Chairman :

Q. To whom did you pay that money ?

A. To Major Linton ; counted it out to him. My brother came in to pay his license and sat down at the desk and seen it paid.

By Mr. Clay :

Q. You say that Jacob Rosenthal saw it ?

A. Yes, sir.

By Mr. Ruddiman (of counsel for Mayor Smith) :

Q. You say that you paid in 1885 ?

A. Yes, sir.

Q. Did you pay in check or in cash ?

A. In cash.

Q. Did you take a receipt in 1885 ?

A. No, sir ; I received none.

Q. Why didn't you take a receipt ?

A. I never thought to ask for it.

Q. You got your license then ?

A. Yes, sir ; in August.

Q. When did you pay the money for 1886 ?

A. On the 5th of January.

Q. What day of the week was that ?

A. I couldn't really say ; because I paid my rent at the Fidelity the same day.

Q. Have you a receipt for the payment of that rent ?

A. Not with me ; at home.

Q. When did you last look at the receipt from the Fidelity for the payment of the rent ?

A. The other day.

Q. What other day ?

A. When I heard of the trouble about the licenses and such things I looked to see when I paid, and I knew it was the day when I paid my rent.



Q. How did you come to look at that receipt for the payment of your rent? What had the payment of your rent to do with this?

A. Because I knew that I paid it the same day. I stopped here first and paid Major Linton, and then I went to the Fidelity with my book and got my receipt.

Q. Why, in connection with your license, did you happen to look at your receipt for the payment of your rent?

A. Because I know that I paid them both the same day?

Q. Had your payment of it been questioned at that time?

A. No, sir.

Q. Why did you look at that receipt if the payment of your license had not been questioned?

A. When it was questioned I looked.

Q. At what time in the day on the fifth of January did you pay this money?

A. In the morning.

Q. Were many persons present?

A. No.

Q. Who were present that you knew?

A. Well, we were sitting there and waiting, this lady and I, for Major Linton to come out of the Mayor's office. Afterwards he came and took a seat at his desk. Then I paid him the money, and then I signed the book and my bond after me.

Q. But I didn't ask you that. I asked you whether there were many people there?

A. There were some officers there and others in the large room.

Q. Were there many people attending to business about the Mayor's desk?

A. No; they were all out in the large room.

Q. There were a few in the room when you paid the Mayor?

A. Yes, sir.

Q. Who were present there at the time you paid the money?

A. Several were at the other desk, and my brother came in and sat in a chair right opposite the desk.

Q. Did you pay before your brother paid or afterwards?

A. Before.

Q. Did you wait while your brother paid?

A. No. He asked me to go on his—

Mr. Bardsley: I would like to suggest to counsel that the time of the Committee is precious, and if this Committee is to report in favor of impeachment that these witnesses will have to be summoned, and that then will be the time for cross-examination. It occurs to me that this is an *ex parte* examination. I may be wrong, but I think so, and I submit it to counsel for the Mayor if that view is not correct.

Mr. Roberts, Chairman: That is the idea of the Chair—subject to the approval of the Committee.

Mr. White (of counsel for Mayor Smith). We will submit to the intimation.

M. Ruddiman (of counsel for Mayor Smith). I suppose under an intimation given before by a member of the Committee, that we could ask these questions when we deemed proper. This is an important matter, involving the payment of one hundred dollars, and the Committee have thought it worth while to go into it. But in consequence of the intimation now given by the Committee we will go no further.

*Jacob Rosenthal*, recalled.

Examination by Mr. Roberts, Chairman:

Q. Were you present with Daniel Rosenthal, in January, 1886, when he paid his license?

A. I came in; he was in the office already; I seen him lay down one hundred dollars on the counter to Major Linton?

Q. When was that ?

A. On January fifth, 1886.

Q. You say he laid down one hundred dollars ?

A. He laid down some money ; I don't know about its being one hundred dollars.

Q. Who took that money ?

A. Major Linton.

Q. Took it while you were there ?

A. Yes, sir.

By Mr. Lawrence :

Q. How do you know it was January fifth ?

A. Because I paid my license.

Q. The same day ?

A. Yes, sir.

Q. That is the way you fix the date ?

A. Yes, sir.

Q. Did you pay yourself by check ?

A. Yes, sir.

Q. Then you fix the date by the check ?

A. No, sir ; not altogether ; it is in my mind ; I know it was about the fifth ; I was going to pay on the first or the second, but I thought the Mayor's office would not be open and that is the reason I didn't go there.

Q. The Committee would like to know positively what day it was. You both agree in saying that it was the 5th of January. The Committee would like to know how you know it was the fifth ?

A. It is in my own mind, in the first place ; and in the second place, the check shows it.

Q. You fix it by the check ?

A. Yes, sir.

*Moses Philip Hamburg*, being duly sworn according to law testifies as follows :

Examination by Mr. Roberts, Chairman :

Q. What is your business ?

A. I have an interest in a pawnbroking establishment.

Q. Whereabouts ?

A. No. 1209 South Tenth street.

Q. How long have you had an interest ?

A. About sixteen years.

Q. Did you procure a license for 1885 for doing business there ?

A. Yes, sir.

Q. To whom did you pay that license ?

A. Major Linton.

Q. By check or in cash ?

A. By check.

Q. Please produce it—for 1885 ?

(The witness here produces a check.)

Q. Have you a license ?

A. Yes, sir.

Q. When did you get it ?

A. About the 26th of December, that year.

Q. When did you comply with the law regarding the bond and policy of insurance ?

A. At the time the check was paid.

Q. And you didn't get your license until December ?

A. Not until December.

Q. With regard to this year 1886, did you pay anything ?

A. Yes, sir ; on the 8th of January.

Q. Did you pay by check again ?

A. Yes, sir.

Q. When did you comply with the law this year regarding the bond and the insurance?

A. At the time of the payment of the money.

Q. When did you get your license this year?

A. I have not got it yet.

Q. How is that?

A. I cannot tell. I complied with the law but have to get it.

Q. Have you asked for it?

A. I have, on three different occasions.

Q. When did you ask for it?

A. Within the last month I have made several demands for it.

Q. Personal demands?

A. Yes, sir—to Major Linton.

Q. What excuse was given?

A. That he was very busy now and I should not interrupt him; that it would be sent by mail.

Q. Did he say the same thing each time?

A. Yes, sir; that it would be attended to in a few days and sent by mail.

Q. But it didn't come?

A. I have not got it yet; but I have complied with the law.

By Mr. Clay:

Q. How long have you been engaged in business?

A. About sixteen years.

Q. Under preceding Mayors, how long after the license fee was paid did you receive your license?

A. From one to four weeks; sometimes in two or three days.

Q. It was never so long as four to five months, or ten or eleven months?

A. No, sir.

Q. During the year '85, when you made payment of the \$100 by check, was it accompanied by the policy of insurance and the usual bond?

A. The policy of insurance was there, and I had it assigned to Mayor Smith at the request of Major Linton. The bond was executed at the time the money was paid.

Q. What about the requirement of the law in regard to testimonials of character?

A. No requirement was ever made, under any Mayor, about testimonials of character. Sixteen years of good reputation was considered sufficient.

Q. You complied with the law regarding the policy of insurance and the bond?

A. Yes, sir.

Q. You say you were required in '85 to assign it to the Mayor?

A. Yes, sir.

Q. Had you done so under preceding Mayors?

A. I don't remember.

Q. During the year 1885 you were without a license until the 26th day of December?

A. Yes, sir.

Q. During that time were you molested in any way in the transaction of your business?

A. No, sir.

Q. You were not interfered with?

A. No, sir.

Q. Did you pay more than \$100 at the time you obtained the license?

A. Yes, sir.

Q. How much more?

A. Five dollars.

Q. Why did you do it?

A. Oh, we thought it was a gratuity to Major Linton.



Q. Did he ask you to do it?

A. No, sir; it was the custom of the office, and had been done for years.

Q. It was a sort of Christmas present?

A. A New Year's present.

Q. A perquisite?

A. A perquisite of the clerk.

Q. I observe that these checks (indicating checks) are in different forms. For instance, that for '85 is drawn "William B. Smith, Mayor, or order, \$100," while I find a note on the check for '86, "license account." Why is that?

A. To show that it was not a business transaction between Mayor Smith and the firm. We wanted to show what it was paid for to Mayor Smith or Major Linton.

Q. Then you thought the Mayor had not complied with the law in not delivering to you your license after you had complied with the law?

A. We thought we had performed our part.

Q. Explain why you put on it "license fee?"

A. Because we didn't get the license the year before until eleven months after the money was paid.

Q. And you thought it would show what the money was paid for?

A. Yes, sir.

Q. To show in case you should be disturbed or interfered with in any way.

A. Exactly.

By Mr. Lawrence:

Q. Was that written on it at the time you delivered the check?

A. Yes, sir; in the Mayor's office.

By Mr. Clay :

Q. For 1886 you have filed a bond and left an insurance policy ?

A. The policy was there. Two policies are there—renewed in January and in March. Both were retained in Major Linton's safe, and are there now.

Q. The policy is in the possession of the Mayor or in the possession of his subordinate who is charged with the custody of it ?

A. Yes, sir.

Q. Each year you renew those policies and take the receipts ?

A. Yes, sir.

Q. Are those receipts in the possession of the Mayor ?

A. Yes, sir.

Q. There is no reason why you shouldn't have received your license ?

A. None at all.

Q. Yet you have not received it ?

A. Not received it.

By Mr. Bardsley :

Q. Were those checks drawn in that way at the suggestion of anybody in the Mayor's office ?

A. No, sir.

Q. It was the customary way ?

A. In 1886 I wrote on the face of the check " License fee " to show what the payment was for, in passing through the Clearing House.

By Mr. Edwards :

Q. Did you always draw checks to the order of the Mayor ?

A. I think so.

By Mr. Reinstine :

Q. You drew it in that way as a protection for yourself ; you thought it would be ?

A. Yes, sir. It was to show what the money was paid for.

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*Jacob Myers*, being duly sworn according to law testified as follows :

Examination by Mr. Roberts (chairman) :

Q. What is your business ?

A. A pawnbroker.

Q. Where is your place of business ?

A. 108 South Eighth street.

Q. How long have you been in business ?

A. In that place seven or eight years.

Q. Did you procure a license in 1885, to do business there ?

A. I did.

Q. To whom did you pay for that license ?

A. Major Linton.

Q. How did you pay him ?

A. I cannot say positively whether I paid by check or in money that year. In my book here (examining a bank book) it is " J. Myers, for license."

Q. What is the date of that ?

A. January 19.

Q. You mean to say that your book indicates that you paid in a check, but you did not keep it ?

A. Yes, sir ; I might have taken that check and deposited it in my other bank, and drawn the money, because the other bank is nearer the Mayor's Office.

Q. But the book indicates that you drew a check for that purpose, but whether after you drew the check you handed it to Major Linton or not you cannot say ?

A. I cannot say positively.

Q. Did you get a license last year?

A. I did.

Q. When did you get it?

A. I believe I got it in December.

Q. When did you comply with the law requiring bond and insurance?

A. The same date when I paid.

Q. The day indicated in your book?

A. Yes, sir.

Q. January 19.

A. I think so; I cannot say positively whether it was that day or not, but I know it was in January.

Q. Now, for this year, 1886, what did you do?

A. Here is my check (indicating a check).

Q. To whom did you pay this check?

A. Major Linton.

Q. I see you say on it "for license"; why?

A. I thought it was just as good as a receipt for it?

Q. When did you get your license for this year?

A. I have not got it yet.

Q. Have you complied with the law requiring a bond and the insurance?

A. I have.

Q. When did you?

A. The bond I gave when I paid the money. My insurance had to run to March, and I kept the receipt in my office when I renewed it—kept it in my office until a few weeks ago, when I gave it to Major Linton.

Q. When did you give it to him?

A. Not very long ago; two or three weeks.

Q. In whose favor is the insurance policy?

A. To William B. Smith, if there is any loss.

Q. Why don't you get a license for this year?

A. I generally wait until the Mayor sends me the license; that is all I know.

Q. Have you asked him for it this year?

A. I have not.

Q. You have paid your money and complied with the law in every respect?

A. Yes, sir; I thought that was all that was necessary.

Q. And you are just waiting for the license to come?

A. Yes, sir.

Q. Did you pay anything else but the \$100 at the Mayor's Office.

A. I did. It was always customary for me every year, in former years, to pay five dollars, and I done it.

Q. Was it customary under former Mayors?

A. Yes, sir.

Q. Did they ask for it?

A. No, sir.

Q. You just handed it out?

A. Just handed it out.

By Mr. Clay :

Q. You paid your license fee, in 1885, about the 19th of January?

A. I think so.

Q. At that time you say you had complied with the law, so far as filing a bond and delivering a policy of insurance?

A. I think so.

Q. And notwithstanding that you were without a license until the 18th of December?

A. That is correct.

Q. You were not disturbed or interfered with at any time during that year?

A. I was not.

Q. When you came to pay for 1886, you put upon the face of the check, "for license, one hundred dollars." Why did you do that?

A. For my own protection. In a general way I do that. I am the Treasurer of a Lodge and I do it in that way. Whenever I pay out anything for benefits I put "sick benefits" on it.

Q. Did you draw your checks in that way before?

A. I think I did, but cannot say positively.

Q. Did you think it would protect you, in the event of them not giving you your license?

A. Yes, sir.

Q. You thought that if you were interfered with by the Police Department you could go and show that?

A. Yes, sir. For sometimes there might be a little mistake by Major Linton, and I could show that to prove it.

Q. You have no license for this year?

A. No, sir.

Q. Did you file your bond in January?

A. Yes, sir.

Q. What did you do about your insurance?

A. My policy of insurance—the old one, was to run to March, and I had no need to give a new policy. Afterwards, when I renewed the policy, I forgot to take it to the Mayor's Office, but when I heard of this going on I took it there and left it.

Q. Was the renewal this year in your own name?

A. The same way that it was before.

Q. To William B. Smith, Mayor?

A. Yes, sir.

Q. When you delivered that receipt, did you make a demand for your license?

A. I did not.



Q. Did they offer to give it to you ?

A. They did not.

Q. When did you deliver that receipt ?

A. Three or four weeks ago.

Q. Up to this time you have not received your license ?

A. No license.

Q. But you have complied with every requirement of the law this year ?

A. Everything the law required of me.

Q. And you are now doing business without a license ?

A. Yes, sir.

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*Andrew J. Baker*, being duly affirmed, according to law, testified as follows :

Examined by Mr. Roberts, Chairman :

Q. What is your business ?

A. Pawnbroker.

Q. Where is your place of business ?

A. 518 South Tenth street.

Q. How long have you been there ?

A. Twenty-five years in that house.

Q. Did you procure a license for 1885 ?

A. Yes, sir.

Q. When did you pay for it ?

A. Some time during the month of January.

Q. How did you pay ?

A. In cash.

Q. Whom did you pay ?

A. Major Linton.

Q. When did you obtain the license?

A. Some time during the month of December.

Q. Nearly a year afterwards?

A. Yes, sir.

Q. Did you, in the meantime, comply with the law requiring a bond and an insurance policy?

A. Yes, sir.

Q. When did you do that?

A. So far as the policy of insurance is concerned I differ with Major Linton, because I do not believe it to be the right of the Mayor to demand that I should assign my policy of insurance to him. I had read the law or the ordinance, and as I read the law it does not require that the policy should be assigned to the Mayor. That is as I understand it, and I think I understand something about it.

Q. What did you do?

A. I demurred to transfer or assign the policy of insurance. And another thing, they had lost my policy, which had been deposited there for a number of years, and which I kept always renewed. My policy was deposited, probably, with Mayor Stokley, and it was always there and always kept alive.

Q. What did you finally do?

A. Finally, I agreed that I would have my policy made to him, as Mayor of the City.

Q. Then you conceded eventually in the demand he had made?

A. I acquiesced in the demand.

Q. When?

A. Some time during January, or perhaps in February.

Q. Soon after you had paid the money?

A. Yes, sir.

Q. You say the policy you had there was lost?

A. Yes, sir; I had to get a new one.

Q. When was it lost?

A. I do not know.

Q. Do you know whether it was lost within the year?

A. I don't know.

Q. You don't know whether it was lost during Mayor Smith's administration or during a previous one?

A. I don't suppose it was, because it was there probably ten years or more in the office. The Mayor's Clerk lost it, but whether it was Stokley's or Fox's I don't know.

Q. When did you find it out?

A. Not till 1885, when I went to Major Linton and wanted

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By Mr. Bardsley:

Q. Well, you furnished another one?

A. Yes, sir.

By Mr. Roberts (Chairman):

Q. Did you pay money this year?

A. I paid a check this year.

Q. Please produce it?

(The witness here produces a check.)

By Mr. Bardsley:

Q. Have you your license for last year?

A. Yes, sir.

By Mr. Roberts (Chairman):

Q. Please produce both your licenses?

A. I cannot for this year; I have not got it.

Q. This check (indicating a check) is altered, I see. Did you do that?

A. Yes, sir. I attempted to write "City Treasurer," as I had always been in the habit of doing. You see that I commenced that word.

By Mr. Bardsley:

Q. At whose suggestion did you do it in this way?

A. At Major Linton's.

Q. You say you were beginning to write "City," and then he said "hold on."

A. No. I don't know what were his words. I said that I had always drawn checks to the order of the City Treasurer.

Q. What did Major Linton say?

A. That the license was payable to the order of the Mayor, and I altered it to the order of the Mayor. I altered that word "City" into the word "William." I did it myself.

By Mr. Roberts, (Chairman.)

Q. Have you complied with the law this year, requiring a bond and a policy of insurance?

A. So far as I know. My bondsman told me that he had signed the bond. I did not see him do it.

Q. When did he do it?

A. A few days after the date of the check—6 or 7 days or, probably 3 or 4 days.

Q. You have not got a license for this year?

A. I am satisfied that he signed it.

Q. You have not got a license for this year?

A. Why, I am waiting for it.

Q. Have you asked for it?

A. No sir. Not this year. I did demand it last year, and Major Linton told me it was not filled up yet, but that it was all right, and that he would send it in a few days, and I supposed the same course would be pursued this year, and as the few days run on to December, I thought I would get it then.

By Mr. Clay.

Q. You say that in 1885 a new policy was procured?

A. Yes sir.

Q. Did you procure it?

A. Yes sir.

Q. Did Major Linton ask to get it for you?

A. No sir. I had a duplicate filled up for the lost policy. I believe that is what you call it. They filled out another policy for me.

Q. And this year you have tendered your money and your bond?

A. And my policy of insurance was in force at the time.

Q. Was it renewed when it expired?

A. Yes, sir.

Q. You have no license for this year?

A. No, sir,—that is, I have not got the piece of paper. The license is in my possession.

Q. Is there any purpose of the Police Department which could be served by withholding your license?

A. I cannot see any.

Q. Would it give the Mayor any greater power to enforce the law than what he now has in suits against the pawnbrokers?

A. Not as I understand the law, and I think I understand it?

Q. Why do you say that?

A. Because I had a hand in making it, and I voted for its adoption, and I know what it is about.

Q. How do you understand it?

A. That the applicant for a license must make an application to the Mayor, must tender his money and present his surety, and sign his bond, and present a live policy of insurance to the Mayor.

Q. All at the same time?

A. Strictly, I would say all at the same time.

Q. All as parts of the same transaction?

A. I understand it to be customary, for the convenience of people,—for instance, for the convenience of a bondsman, to say, “Why, your bondsman can come to-morrow.” I know how it has been with my bondsman. It may be inconvenient for him to come on a certain day. Sometimes a bondsman may be in the immediate neighborhood of the Mayor’s office, and sometimes he may be at a distance. It is just as it happens.

Q. But your understanding of the requirements of the ordinance is that when the money has been paid, and the bond executed, and the policy delivered, that then the party is entitled to his license?

A. Yes, sir.

By Mr. Claridge:

Q. Did you make a demand on the Mayor, or on Major Linton, last year?

A. On Major Linton.

Q. You did not see the Mayor?

A. No, sir.

*William D. Kendrick*, being duly sworn according to law, testified, as follows:

Examination by Mr. Roberts (Chairman):

Q. What is your business?

A. Pawnbroker.

Q. Where is your place of business?

A. 209 South Eighth street.

Q. How long have you been there?

A. About six years there.

Q. Did you have a license last year there?

A. I did.

Q. When did you pay for it?

A. In the month of January.

Q. Whom did you pay?

A. Major Linton.

Q. How did you pay him?

A. In a check.

Q. Have you got the check?

A. I have.



Q. Please produce it?

(The witness here produces a check.)

A. With your permission I will state right here to the Committee that I have a brother in the business. We have four places between us. He has three and I have one. You will find that the checks call for \$400, for the four places, in his name.

Q. I notice Kendrick here four times (referring to the checks), for Carver W. Reed & Co. Do you represent the entire four concerns?

A. Yes, sir.

Q. When did you pay the money in January, 1885?

A. I think the check will show.

Q. The check is blank in the date.

A. Yes? I now notice it is blank (referring to check). We omitted to put in the date.

(The witness here refers to the stubs of his check book, but is unable to testify to the date when the money was paid, in January, 1885.)

Q. When did you get your license in 1885?

A. In December.

Q. Covering all four places?

A. No, sir; we have one for each place.

Q. Did you get them in December for each of the four places?

A. Yes, sir.

Q. Did you comply in the meantime with the law requiring the insurance policy and the bond?

A. Yes, sir.

Q. When did you do that?

A. In the month of January. There are policies that remain there and we renew them from time to time. Sometimes they may run out in the middle of the year; for instance, we

have got one there now which will run out in the middle of the year, which we have got to renew.

Q. That is, you wait until they expire, and then you renew them?

A. Yes, sir.

Q. You say that this year you paid a check for the four places?

A. Yes, sir.

Q. When did you get your license for this year?

A. We have not got it yet.

Q. Have you complied with the law requiring a policy and bond?

A. Yes, sir.

Q. When did you do that?

A. I filed the bond when I paid the check, and I renewed my policy of insurance within a couple of months.

Q. Why have you not got your license?

A. I don't know.

Q. Have you asked for it?

A. I have.

Q. Whom did you ask?

A. Well, there was a young man there—it was a new face to me. He was quite a young man. He seemed to be attending to Major Linton's business. The Major was away and the Mayor was away. The young man said we would get it in a few days.

Q. Did you know who the young man was?

A. I don't know. It was a new face.

Q. Was he the only person there at the time?

A. No. There were others there. They were writing at the time, and there were a lot of insurance policies lying there, and I saw that mine was there.

Q. Then you asked for your license but have not received it?

A. No, sir.

By Mr. Clay :

Q. You feel that you are entitled to the license ?

A. Yes, sir ; I do.

Q. You think that your protection in business demands that it should be in your possession ?

A. Yes, sir.

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*Isaac P. Hunt*, being duly sworn according to law, testified as follows :

Examination by Mr. Roberts, Chairman :

Q. What business are you in ?

A. I am a pawnbroker.

Q. Where is your place of business ?

A. 1538 South street.

Q. Did you take out a license last year ?

A. I did.

Q. When did you pay for it ?

A. On January 5th, 1885.

Q. How did you pay ?

A. By check.

Q. Please produce it ?

(The witness here produces check.)

Q. When did you obtain your license ?

A. Between Christmas and New Years.

Q. Of last year ?

A. Yes, sir.

Q. Did you comply with the law in regard to the bond and the policy of insurance ?

A. At the time I gave the check in I filed my bond. I deposited a policy of insurance which run out in the April following, and I transferred it to the Mayor.

Q. Did you pay this year?

A. Yes, sir; by check, on January 13th.

Q. Have you obtained a license for this year?

A. I have.

Q. When did you get it?

A. About ten days ago.

Q. When did you comply with the law regarding the bond and policy?

A. I filed my bond at the time I drew the check in 1886. I did not file any policy until this day two weeks ago.

*Adolph Rosenbaum*, being duly sworn according to law, testified as follows :

Examination by Mr. Roberts, Chairman :

Q. What is your business?

A. A pawnbroker.

Q. Where is your place?

A. At 1200 North Second street.

Q. How long have you been there?

A. Six or seven years.

Q. Did you take out a license in 1885?

A. Yes, sir.

Q. When did you pay for it?

A. On the 19th of January.

Q. How did you pay—in cash or by check?

A. By check.

Q. Please produce it.

A. I have not got it with me; I could not find it, but see by the stub that it was on the 19th of January.

Q. You did not preserve it?

A. I don't know; I have not found it.

Q. When did you obtain the license?

A. Some time in December, I believe.

Q. Did you comply with the law, in the meantime, with regard to the policy of insurance and bond?

A. Everything was complied with.

Q. When did you pay for the present year?

A. I paid on January 28th.

(The witness here produces a check.)

Q. I see you have drawn this (referring to the check) to the order of the Mayor for the license. Is that the usual way?

A. Yes, sir.

Q. When did you comply with the law regarding the bond and policy?

A. With everything right away.

Q. In January?

A. Yes, sir; the bond was completed right away, but the insurance run out in March, and I renewed it again.

Q. Have you obtained a license for this year?

A. No, sir.

Q. Why have you not obtained a license for this year?

A. That is more than I can answer.

Q. Have you asked for it?

A. No, sir; they generally send them to us; that is the reason we do not ask them for them.

Q. You are waiting for them now to send it to you?

A. Yes, sir.

Q. Have you complied with the law in all respects?

A. Yes, sir.

Q. Did you pay any more at the Mayor's office than one hundred dollars?

A. Just a little Christmas present.

Q. Did they ask for it?

A. No, sir.

Q. It has always been the custom under previous Mayors?

A. Yes, sir; just the same thing.

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*Abraham Levy*, being duly sworn, according to law, testified as follows:

Examination by Mr. Roberts, Chairman.

Q. What is your business?

A. I am agent for Mrs. Adelaide Levy.

Q. What is her business?

A. A pawnbroker.

Q. Where is her place?

A. No. 1400 North Second street. She has two places.

Q. Where is her other place?

A. 1808 Market street.

Q. Did you take out a license for Mrs. Levy in 1885?

A. Yes, sir.

Q. When did you pay for it?

A. Between the 2d and 4th of January.

Q. Who did you pay?

A. Major Linton.

Q. How did you pay?

A. In cash.

Q. When did you get the licenses?

A. I guess, about December.

Q. Are you replying now for both places of business?

A. No, sir; one place was only commenced in 1886.

Q. What place are you speaking for?

A. For North Second street.



Q. For 1885?

A. Yes, sir.

Q. When did you obtain the license?

A. In December.

Q. Did you comply with the law in the meantime, regarding the policy and the bond?

A. Yes, sir.

Q. And you did not get the license until December?

A. No, sir.

Q. When did you pay this year?

A. On the fourth day of January.

Q. For both places?

A. Yes, sir.

Q. Have you obtained a license?

A. Not yet.

Q. How did you pay?

A. In cash.

Q. How much cash?

A. Two hundred dollars.

Q. One hundred dollars for each place?

A. Yes, sir.

Q. Have you complied with the law regarding policy and a bond?

A. Yes, sir—at present we have.

Q. Why do you qualify your answer?

A. Because, up to the twenty-fourth day of August we had not complied according to the requirements.

Q. In both cases, or only one?

A. In both cases.

Q. Then you did not entirely comply until some time in August?

A. On the 24th.

Q. But you have not received a license ?

A. No, sir.

Q. Did you ask for it ?

A. I asked for it and they told me it would be sent by mail.

Q. And you are now waiting for it ?

A. Yes, sir.

By Mr. Bardsley :

Q. In what had you not complied ?

A. In not putting in the policy and filing the bond.

Q. You had not given a bond at all ?

A. I was under the impression that the gentleman who generally went on the bond had signed it, but I received a notice from Major Linton that the bond had not been signed.

Q. Previous to that you thought it had been ?

A. Yes, sir.

Q. And you thereupon had it signed ?

A. Yes, sir.

Q. The policy of insurance—was that all right ?

A. Yes, sir.

Q. When was that made right ?

A. Major Linton had a policy of insurance on the 28th of May, and I withdrew it for the purpose of having it renewed. The insurance agent was to return it to Major Linton, but he returned it to the office.

Q. The money was paid in January ?

A. Yes, sir.

Q. And you are now waiting for your license ?

A. Yes, sir.

By Mr. Claridge :

Q. Did you ever make a demand on the Mayor for your license ?

A. Not on the Mayor ?

Q. You renewed your insurance in August?

A. No. In May.

Q. But they never received any notice of it until August 24th?

A. No, sir.

*Isaac P. Hunt*, recalled:

Examination by Mr. Roberts, Chairman:

Q. Have these checks (referring to checks which had been produced by the witness) been altered in any way since drawn or signed by you?

A. That one is not (indicating check).

Q. Has this one (indicating check)?

A. No, sir. I cannot see any alteration.

Q. But, did you do this? (indicating) was this word "Mayor" written in that way?

A. Yes, sir. I did it at the suggestion of Major Linton. I always drew them to the order of the City Treasurer, but Major Linton asked me last year and this year to draw them to Wm. B. Smith or order.

By Mr. Clay:

Q. Did you object to doing it?

A. No, sir. I just took a blank check in my pocket, and when he asked me to draw it in that way I did so. I had no idea of his reason why he asked me.

At this point, upon motion of Mr. Clay, the Committee takes a recess for one hour—until 2 o'clock P. M.

## AFTER RECESS.

The Committee re-assembles at 2 o'clock P. M.

After calling it to order, Mr. Roberts (Chairman) asks Mr. Johnson, the Messenger of the Committee, the following questions :

Q. Did you serve H. A. Jones with a subpoena ?

A. Yes, sir.

Q. When did you do so ?

A. At 4 o'clock yesterday afternoon.

Q. Whereabouts ?

A. At his place of business.

Q. And did you serve A. Garman ?

A. Yes, sir.

Q. When ?

A. This morning, at five minutes of ten o'clock.

Q. Where did you find him ?

A. At his place of business, at Sixth and Vine streets.

Mr. Clay : I move that the messenger be ordered to proceed to the place of business of Mr. Garman, and if he can find him there, to take him into custody, and bring him before the Committee.

Mr. Roberts, Chairman : The Chair understands that we will have to go to court about this matter, and the City Solicitor will be the proper person to take charge of these two cases.

Mr. Warwick : The City Solicitor, who is present with the Committee, here requests that Mr. Johnson, the messenger of the Committee, shall be sworn. Upon Mr. Johnson being sworn, he is subjected to the following examination by Mr. Warwick :

Q. Did you serve H. A. Jones, at Third and Gaskill streets, with a subpoena this morning ?

A. Yesterday afternoon.

Q. At what time ?

A. About four o'clock, or a little after.

Q. Did you serve him personally ?

A. Yes, sir.

Q. What did he say ?

A. That he would be here.

Q. Is he here now ?

A. I don't see him.

(The name of H. A. Jones is here called in a loud voice by Mr. Warwick, there being no response.)

Mr. Warwick : Does any one here know him ?

Mr. Reinstine : I know him.

Mr. Warwick : Is he here ?

Mr. Reinstein : He is not here.

(Mr. Warwick here calls in a loud voice the name of A. Garman. There is no response.)

Mr. Bardsley : I now move that the City Solicitor take legal steps to compel the attendance of those witnesses who have been subpoenaed, but who have not responded.

The question being upon the motion of Mr. Bardsley.

It is agreed to.

Mr. Roberts (Chairman) : That exhausts our list of witnesses who have been subpoenaed.

Mr. Clay : I now move that the Committee now adjourn to the other room to go into executive session.

The question being upon the motion of Mr. Clay.

It is agreed to.

Mr. Brightly (the counsel for Mayor Smith): Does that end the public session for to-day?

Mr. Roberts (Chairman): Yes, sir.

Mr. Brightly: Will you announce when the next public session will be held?

Mr. Roberts (Chairman): It will be announced after it has been determined by the Committee.

The Committee at this point retire for the purpose of going into executive session.



## SECOND DAY.

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### SELECT COUNCIL CHAMBER.

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PHILADELPHIA, *September 6, 1886.*

The Committee re-assembled at 10 o'clock A. M., this day, in the Chamber of Select Council, pursuant to adjournment.

Present:—Mr. Roberts in the Chair; Mr. Eckstein, Clerk, and the following members of the Committee—Messrs. Edwards, Bardsley, Iseminger, Claridge, Clay, Reinstine, and Lawrence, President of Common Council; of Counsel—Mr. Warwick, the City Solicitor; Messrs Earle, Brightly, Ruddiman, and White, as representing the Mayor.

#### CONTINUATION OF TESTIMONY.

*Henry A. Jones*, being duly sworn according to law testified as follows:

By Mr. Roberts (Chairman.)

Q. What is your business?

A. I am in the pawnbroking business.

Q. In what locality?

A. At Third and Gaskell streets.

Q. How long have you been there?

A. About twenty-five years.

Q. Did you make any payment in '85 for a license?

A. I did.

Q. When ?

A. On January 7th.

Q. Did you make it by check, or in money ?

A. By check.

Q. Will you please produce the check ?

(The witness here produces a check.)

Q. Was this all you paid ?

(Referring to check.)

A. At that time.

Q. When did you obtain your license for this ?

A. The latter part of December.

Q. Did you comply with the law regarding the bond or the security in the meantime ?

A. Yes, sir.

Q. When did you do that ?

A. I paid the insurance in February.

Q. Please produce your license for '85 ?

(Witness here searches among a number of papers which he produces from his pocket.)

A. I believe that I have left it at home ; but I have got it.

Q. Well, for this year, '86 ; did you pay for this year ?

A. Yes, sir ; by check.

Q. Please produce it.

(Witness here produces a check.)

Q. When did you get a license for this year ?

A. I have not got any.

Q. Why have you not received any ?

A. I cannot tell you.

Q. Have you complied with the law ?

A. I believe I have.

Q. Why do you say that? Has it ever been disputed by any one?

A. Not by any one; only I seen my name in the paper.

Q. Have you been asked to comply with the law regarding the insurance policy and bond?

A. No.

Q. You think that you have complied?

A. Yes, sir.

By Mr. Claridge:

Q. Did you make a demand for your license?

A. No, sir.

Q. You never bothered about it?

A. No, sir; I did not.

Q. You never made any demand?

A. No, sir.

Q. You paid your insurance and all that?

A. Yes, sir.

Q. And it didn't run out or expire?

A. No, sir.

*A. Garman*, being duly sworn according to law, testified as follows:

Examination by Mr. Roberts, Chairman.

Q. Where is your place of business?

A. At Sixth and Race streets.

Q. You failed to appear before this Committee on Saturday?

A. Yes, sir; I was here; but I was suffering from an attack of dysentery and I was obliged to go away.

Q. Are you in business there on your own account?

A. No, sir; I have an interest in Harvey and McGarry's business.

Q. I believe Mr. McGarry testified in regard to that ?

A. Yes, sir.

Q. And you know nothing beyond what he knows ?

A. Nothing at all. I never transacted any portion of that business.

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*Abraham J. McGarry*, re-called.

Examination by Mr. Clay :

Q. You placed on Saturday in the hands of the Committee only five checks ; but if you paid for all, it seems to me there should have been six ; have you another one ?

A. No, sir ; I will explain it. I placed two checks in the hands of the Committee for the office at Sixth and Race streets, for the office of Harvey & McGarry, one for 1885 and one for 1886 ; and one for 1885 and one for 1886 for the office at Fifth and Vine streets ; and another one which makes up the five which was not for our business, in which we had no concern—one check that I loaned to Mr. Harvey for license purposes on the 6th of January last.

By Mr. Iseminger :

Q. Why did you loan that ?

A. The reason was because he had not sufficient money in cash to pay his license, but instead of drawing his check to the order of Mr. Harvey, I simply drew it as if it was my own and passed it over to Mr. Harvey.

By Mr. Clay :

Q. The checks which you drew in 1885 have been changed on their face ?

A. They are precisely in the condition in which I handed them to you.

Q. Cannot you tell the Committee how they came to be altered—why the change was made in the name, “William B. Smith, Treasurer.” instead of City Treasurer? Why did you make your checks in 1886 payable to the order of the City Treasurer?

A. It has always been my habit. I want to say this, that I am reported in most of the newspapers as having, according to the reading of the testimony; that is, it would appear that I had a difficulty with the Police Department. Such has not been the case. It would appear that I had had difficulty, or had been at loggerheads with the police force. I want to say that such is not the case. My relations with the police force and with the present Detective Department and with the policemen have been most friendly. They are not afraid of me and I am not afraid of them. I have never come into contact—I want to say this—with a more gentlemanly man than the present Chief of Police.

By Mr. Claridge:

Q. When I asked you on Saturday last whether you had complained about the alterations of the canceled checks you said, no—that you thought they would be a good thing to keep?

A. That was about one check—this one (indicating check) for '85. I will say that I think it is a good thing to keep checks always. I have about a peck of them. I think that they may come in good as vouchers where you have no receipt for the payment of money.

Q. Didn't I understand you to say that the one of 1886—that you held that in the way of a threat?

A. By no means. It is a habit of mine which I have always pursued. I knew that the department of his Honor the Mayor was perfectly good for my \$100.

By Mr. Iseminger:

Q. You wanted to keep it for self-protection?

A. Undoubtedly.

By Mr. Claridge :

Q. I do not understand what you mean by self-protection ?

A. I will explain it. A pledger possibly might come to my office and assert I had no license, and a demand might be made to see it. Of course, nobody has a right to make a demand to see it ; but if there was any doubt about it I could refer them to the Mayor's office. If he got no satisfaction there, the next thing would be to bring a suit against me for doing business without a license, and then would be the time to produce my check as evidence.

Q. What I want to get at is this : If you made your check payable to William B. Smith, or order, why it would not have been the same protection as in the other way ?

A. Well, it never occurred to me to make it out in that way. It had been my habit of twenty years to make it to the City Treasurer.

Q. Was that check altered in your presence at the Mayor's Office, or by the Mayor's secretary ?

A. No, sir.

By Mr. Clay :

Q. Would you have permitted a change to be made by the Mayor's secretary, or would you have permitted a change to be made if the Mayor's secretary had asked you ?

A. I think I would have objected to their making an alteration.

By Mr. Claridge :

Q. Then why did not you object after receiving these checks from the bank ; after they were canceled, and not submit to it again ?

A. Really, it was no affair of mine ; I did not believe there was any danger of my losing my one hundred dollars ; I had no doubt about it that Mayor Smith was desirous of using the one hundred dollars.



Q. You knew that this was a violation of the law—the alteration of a check?

A. Pardon me; I did not know it; I thought so.

Q. But you never complained about it; you still did the same thing with the same object, which you claim was for your protection. I want to know whether that protection was in the nature of a threat?

A. I will explain that matter a little more definitely. During a former administration there was a police officer in high authority who was appointed a lieutenant, and in a short time a captain. I had received a deposit of a small lot amounting to \$1.50, and we subsequently had a notice about those things, and we overlooked the little lot. It had been stolen. We had overlooked a small article which was taken under an advance amounting to \$1.50, and this gentleman, in the goodness of his heart, thought that he would get a warrant and have me bound over for trial, and there was a bill before the grand jury. It was all correct, except that we had overlooked to give him a gossamer to the value of one dollar. Of course I didn't stand a trial for a dollar. Therefore, I say, if a captain or a lieutenant of police, or any other man under such circumstances were to do such a thing I would certainly compel him to withdraw it because it was a most unjust charge. I will give you the name of this late lieutenant of police, and I will say that I owe to Mayor Smith the most lasting gratitude, because he was the first man that he bounced—the late Captain Howell.

Mr. Roberts, the Chairman. I have had in my possession for some days a communication which reached me through the President of Common Council—a sealed communication. It was opened by authority of the Committee of which I have the honor to be Chairman. As I have said, it came to me through the President of Common Council.

Mr. Clay: I suggest that the Clerk of the Committee should now read it in order that it may become public property.

(Mr. Eckstein, the Clerk of the Committee, here read the communication referred to by the Chairman, as follows:)

“President Lawrence will deliver this sealed envelope to the Chairman of any Committee that may be charged with the investigation of charges against Mayor Smith. If no such charge shall be given to a committee on September 2, 1886, please return this envelope to

A. K. McCLURE.”

CONFIDENTIAL.

Note to Chairman of Committee—The names of these witnesses should be withheld from all but the members of the Committee and the officer serving the subpoenas, *until they appear to testify*, and those marked with a † in pencil marks should be called first in the order in which their names appear on the list. I have given the names of *many* to protect the *few* who are important witnesses. Mr. McGarry has three forged checks and Mr. Garman has two. *Direct all to produce all checks in their possession for both 1885 and 1886.*

A. K. McCLURE.

1. Jacob Myers, 108 South Eighth street.
- †2. Solomon L. Linse, 626 South street.
3. Wm. D. Kendrick, 209 South Eighth Street.
4. Geo. W. Kendrick, 601 South Third street.
5. Geo. W. Kendrick, for Carver W. Reed & Co., 1644 Market street.
6. Geo. W. Kendrick, for Carver W. Reed & Co., 1514 Market street.
- †7. A. J. McGarry, N. E. cor. Fifth and Vine streets.
- †8. Joseph Mekeal, 512 South Sixth street.
9. H. A. Jones, Third and Gaskill streets.
10. A. J. Baker, 518 South Tenth street.
- †11. Jacob Rosenthal, 1813 South street.
12. Philip Hunt & Son, 1538 South street.

13. Adolph Rosenbaum, 1200 North Second street.
  14. Abram Levy, for Adelaide Levy, 1808 Market street.
  15. Abram Levy, for Adelaide Levy, 1400 North Second street.
  - †16. Moses P. Hamberg, 1209 North Twelfth street.
  17. Dr. Judah Isaacs, for Josephine Isaacs, 1724 Ridge avenue.
  18. Isaac Nathans, 730 Race street.
  19. Isaac Nathans, Third and Spruce streets.
  20. Samuel Nathans, 247 North Ninth street.
  21. John Rettew, 28 North Eleventh street.
  - †22. Daniel Rosenthal, 1127 Poplar street. Mayor disputes this payment.
  23. Oscar Wilson, N. E. cor. Eleventh and Sansom streets.
  24. Ellis Silberstein, 123 North Ninth street.
  - †25. A. Garman, 157 North Sixth street.
- 

*Robert M. Scott*, being duly affirmed according to law, testified as follows :

Examination by Mr. Roberts Chairman :

Q. What is your business ?

A. I am the general bookkeeper of the Fidelity Trust Company. in charge of the banking department.

By Mr. Bardsley :

Q. What are your duties ?

A. To examine the accounts and make general settlements, &c.

Q. You have charge of all the accounts in the institution—all the ledger accounts ?

A. That is totally, I do. Each one has its bookkeeper. I am over them, and they refer to me different items, &c.

Q. Have you particular charge of Mr. Smith's account ?

A. That comes under me.

Q. How many accounts has Mr. Smith?

A. One.

Q. What shape is it in?

A. William B. Smith, Treasurer.

Q. How long has he had that account in that shape?

A. Since December 8, 1880.

Q. Did he ever have any other account there?

A. He had an account as Trustee in 1880, but I have not looked at that account.

Q. When was it closed?

A. I don't know.

Q. Is it closed now?

A. It is closed now.

Q. How long has it been closed—about two or three years?

A. I cannot tell that without referring to the books. We have a record room there, and they are now in the record room.

Q. "William B. Smith" is the present only account?

A. Yes, sir.

Q. And it has been so for the last year or two?

A. Yes, sir.

Q. Have you a transcript from your books?

A. I have.

(The witness here produces a transcript from the books of the institution.)

Q. When did it commence?

A. On January 1, 1885, and is up to the present time.

Q. That is, "William B. Smith, Treasurer?"

A. Yes, sir.

Q. You strike balances at regular intervals?

A. We do, on the 15th of every month. That is, on our Ledger, and when any book comes in we rule it up.

(The witness here produces a paper, as follows:)

*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

DR.

CR.

1885			1885				
Jan'y	2	To 2 Checks.....	\$534 93	Jan'y	1	By Balance.....	\$865 20
	3	“ .....	175 00		3	Cash .....	1,000 00
	7	“ .....	75 00		5	“ .....	500 00
	7	“ .....	176 30		6	“ .....	800 00
	8	“ .....	79 50		7	“ .....	1,100 00
	9	“ .....	58 85		8	“ .....	700 00
	12	“ .....	883 96		8	“ .....	300 00
	13	To 9 “ .....	820 64		9	“ .....	400 00
	14	“ .....	190 75		14	“ .....	300 00
	15	“ .....	103 63	Feb.	4	“ .....	300 00
	22	“ .....	237 54				
Feb'y	4	Balance .....	2,929 10				
			\$6,265 20				\$6,265 20
Feb'y	5	To Checks.....	\$285 80	Feb'y	4	By Balance.....	\$2,929 10
	6	4 “ .....	224 28		4	Interest .....	9 27
	6	“ .....	40 95		6	Cash .....	390 00
	7	7 “ .....	1,624 99		7	“ .....	1,437 41
	9	7 “ .....	1,673 22		13	“ .....	1,327 56
	10	2 “ .....	109 77		13	“ .....	3,245 90
	13	“ .....	1,600 00		14	“ .....	106 82
	14	2 “ .....	1,224 69		17	“ .....	600 00
	14	2 “ .....	1,825 00		20	“ .....	275 00
	16	“ .....	5 31		21	“ .....	700 00
	17	“ .....	98 30		28	“ .....	500 00
	17	“ .....	75 00	Mar.	31	“ .....	1,315 82
	19	“ .....	122 25				
	20	“ .....	75 00				
	21	“ .....	500 00				
	21	“ .....	13 00				
	27	“ .....	100 00				
	27	“ .....	50 00				
	28	“ .....	586 12				

*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

DR.

CR.

1885						
March	2	To Check.....	500 00			
	3	“ .....	21 45			
	3	“ .....	16 00			
	7	“ .....	75 00			
	17	“ .....	25 00			
	20	“ .....	20 00			
	31	Balance.....	1,945 75			
			12,836 88			\$12,836 88
April	4	To Check .....	\$1,100 00	Mar. 31	By Balance.....	\$1,945 75
	11	“ .....	49 30	April 14	Cash.....	990 50
	18	“ .....	800 00	May 11	“ .....	837 23
	23	“ .....	114 58	19	“ .....	891 87
May	4	“ .....	18 50	June 9	“ .....	300 00
	5	“ .....	32 00	22	“ .....	250 00
	5	“ .....	377 80			
	9	“ .....	357 71	30	“ .....	\$1,250 00
	13	“ .....	25 00	July 13	“ .....	288 25
	18	“ .....	25 00	16	“ .....	9,544 08
	20	“ .....	100 00	Aug, 5	“ .....	600 00
	22	“ .....	558 50			
	25	“ .....	78 14			
	29	“ .....	150 00			
June	3	“ .....	387 53			
	3	“ .....	175 00			
	4	“ .....	20 82			
	5	“ .....	100 00			
	9	“ .....	100 00			
	20	“ .....	200 00			
	23	“ .....	375 00			
	24	“ .....	69 00			
	29	“ .....	50 00			
July	2	“ .....	200 00			
	3	“ .....	500 00			



*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

CR.

DR.

1885							
July	6	To Checks.....	41 00				
	9	“ .....	40 00				
	13	“ .....	55 00				
	14	“ .....	250 00				
	15	“ .....	50 00				
	16	“ .....	40 00				
	16	“ .....	2,000 00				
	16	“ .....	500 00				
	18	“ .....	75 00				
	20	“ .....	250 50				
	30	“ .....	138 54				
	31	To 3 Checks.....	193 54				
	31	To 2 Checks.....	150 04				
Aug.	1	To Checks.....	50 00				
	1	“ .....	138 54				
	3	“ .....	25 00				
	4	“ .....	138 54				
	5	“ .....	84 00				
	5	Balances.....	6,714 10				
			<u>\$16,897 68</u>				<u>16,897 68</u>
Aug.	6	To Checks.....	\$1,860 05	Aug.	5	By Balance.....	\$6,714 10
	11	“ .....	25 00		6	Interest.....	14 76
	12	“ .....	600 00	Sept.	5	Cash.....	558 52
	13	“ .....	25 00		10	“ .....	150 00
	22	“ .....	500 00		11	“ .....	500 00
	25	“ .....	600 00		14	“ .....	2,000 00
	26	“ .....	440 00		15	“ .....	2,000 00
	26	“ .....	1 50		17	“ .....	150 00
	26	“ .....	82 75	Oct.	7	“ .....	1,250 00
	28	“ .....	700 00	Dec.	24	“ .....	1,250 00
	29	“ .....	127 68		24	“ .....	101 00
	31	“ .....	30 00		26	“ .....	1,500 00
Sept.	1	2 “ .....	1,525 00		31	“ .....	700 00

*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

CR.

DR.

1885				1885				
Sept.	3	To	Checks.....	\$197 50	Dec.	31	By Balance.....	\$1,410 00
	4	2	" .....	636 20				
	7		" .....	49 60				
	8		" .....	83 75				
	12		" .....	500 00				
	15		" .....	2,000 00				
	15		" .....	2,000 00				
	23		" .....	20 00				
Oct.	6		" .....	146 00				
	7		" .....	18 00				
	10		" .....	1,000 00				
	17		" .....	124 00				
	19		" .....	45 00				
	26		" .....	28 50				
Nov.	2		" .....	40 00				
Dec.	26		" .....	296 10				
	26		" .....	61 03				
	26	3	" .....	2,123 60				
	28		" .....	125 00				
			Balance to 1886.....	2,287 12				
				18,298 28				18,298 38
1886				1886				
Jan.	2	To 2	Checks.....	\$2,363 10	Jan.	1	By Bal. for '85.....	2,287 12
	2		" .....	100 14		2	Cash.....	700 00
	4		" .....	1,000 00		4	" .....	463 00
	6		" .....	34 24		4	" .....	500 00
	8		" .....	250 00		5	" .....	700 00
	9		" .....	300 00		6	" .....	700 00
	12		" .....	200 00		7	" .....	500 00
	12		Balance.....	2,302 64		8	" .....	500 00
						11	" .....	200 00
				\$6,550 12				\$6,550 12

*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

DR.

CR.

1886			1886			
Jan. 13	To	Checks.....	\$80 90	Jan. 12	By Balance.....	\$2,302 64
14	"	.....	300 00	13	Cash.....	300 00
16	"	.....	1,000 00	18	"	600 00
18	"	.....	700 00	20	"	500 00
20	"	.....	400 00	28	"	300 00
21	"	.....	10 25	29	"	200 00
29	"	.....	47 53	Feb. 2	"	200 00
Feb. 4	"	.....	135 00	5	"	200 00
6	"	.....	44 20	12	"	151 60
8	"	.....	124 38			
10	"	.....	47 25			
12	Balance.....		1,864 43			
			\$4,754 24			\$4,754 24
Feb. 13	To	Checks.....	500 00	Feb. 12	By Balance.....	\$1,864 43
15	2	"	239 34	12	Interest.....	9 27
15	"	.....	1,100 00	13	Cash.....	100 00
15	"	.....	100 00	23	"	100 00
17	2	"	150 00	24	"	500 00
24	"	.....	100 00	March 5	"	1,352 00
25	"	.....	100 00	6	"	311 00
26	"	.....	60 00	18	"	4,774 00
March 1	"	.....	17 50	20	"	100 00
8	"	.....	25 00	25	"	347 72
24	"	.....	24 00	27	"	226 84
27	"	.....	7,000 00	31	"	1,300 00
April 1	"	.....	200 00	31	"	200 00
2	"	.....	200 00	April 29	"	200 00
2	"	.....	430 54			
7	2	"	187 42			
9	"	.....	71 10			
10	"	.....	125 00			
15	"	.....	50 00			

*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

DR.

CR.

1886.								
April	15	To	Checks.....	148 25				
	26		“ .....	25 00				
	29		“ .....	200 00				
	29		Balance.....	332 11				
				\$11,385 26			\$11,385 26	
May	1	To	Checks.....	\$100 00	April	29	By Balance.....	\$332 11
	3	2	“ .....	47 00	May	3	Cash.....	230 00
	4	2	“ .....	350 00		5	“ .....	5,560 00
	6		“ .....	5,471 87		10	“ .....	427 15
	8		“ .....	169 75		28	“ .....	560 00
	11		“ .....	50 00	June	7	“ .....	136 28
	11		“ .....	377 80		11	“ .....	2,651 82
	31		“ .....	200 09		25	“ .....	967 78
June	1		“ .....	100 00	July	6	“ .....	1,416 40
	4		“ .....	25 00		6	“ .....	4,057 00
	7		“ .....	150 00		7	“ .....	1,907 62
	14		“ .....	13 40		12	“ .....	120 00
	14		“ .....	250 50		14	“ .....	2,635 50
	15		“ .....	37 92				
	15		“ .....	700 00				
	16		“ .....	164 25				
	17		“ .....	63 84				
	21		“ .....	39 75				
	24		“ .....	200 00				
July	8		“ .....	3,500 00				
	8		“ .....	4,650 00				
	9		“ .....	1,529 85				
	12		“ .....	175 00				
	15		“ .....	1,500 00				
	17		Balance.....	1,135 73				
				21,001 66				2,635 50

*William B. Smith, Treasurer, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

CR.				DR.				
1886.				1886.				
July	20	To	Checks.....	\$700 00	July	17	By Balance.....	\$1,135 73
	21		“ .....	213 86		20	Cash.....	545 00
	22		“ .....	432 40		24	“ .....	500 00
	24		“ .....	80 00		28	“ .....	250 00
	26		“ .....	600 00		30	“ .....	40 00
	28		“ .....	399 30	Aug.	2	“ .....	150 00
	29		“ .....	17 50		11	“ .....	500 00
	31		“ .....	125 23		20	“ .....	620 00
Aug.	5		“ .....	100 00		23	“ .....	25 25
	20		“ .....	58 00		24	“ .....	60 70
	21	2	“ .....	600 00				
	24		“ .....	2,300 00				
	25	2	“ .....	5,970 00				
	28		“ .....	110 00				

Q. On the left hand side the checks are charged against him and on the right hand side the deposits?

A. Yes, sir.

Q. From this it appears that on February 4, 1885, the balance to his credit was \$2,929.10?

A. That is correct.

Q. And that is carried forward?

A. Yes, sir.

Q. And the first item of credit under date of February 4th, is interest?

A. Yes, sir.

Q. \$9.27?

A. Yes, sir.

Q. What is that for?

A. Interest on the average balance for the previous six months.

Q. At what rate of interest ?

A. Two per cent.

Q. Was that by agreement ?

A. That is what we allow on our deposits.

Q. Two per cent ?

A. At that time.

Q. With the privilege of drawing it out at their pleasure ?

A. Yes, sir.

Q. You pass the interest to their credit ?

A. Yes, sir.

Q. And the claim is subject to their demand ?

A. Yes, sir.

Q. Just as if they put in that much more money ?

A. Yes, sir.

Q. In other words, that is profit to them ?

A. Yes, sir.

Q. Now, the next balance in 1885 appears to be struck on the 31st of March, where there is a balance of \$1,945.75 to his credit ?

A. That is correct.

Q. So it goes on through May and June and July, and on the 5th of August you struck another balance showing \$6,714.10 to his credit ?

A. That is correct.

Q. And on the same day you pass to his credit interest for \$14.76 ?

A. That is correct.

Q. That is just the same as what you said about the other interest ?

A. Just the same as the previous interest.

Q. It went to his credit, to be taken out by him at his pleasure ?

A. Yes, sir.



Q. That is what he makes for leaving the money with you?

A. That is what he makes—yes, sir.

Q. Now you go on through August, September and October, and on December 28th you struck another balance showing to his credit \$2,287.12?

A. That is correct.

Q. Then you go through January and strike another balance on January 12th, where there is \$2,302.64.

A. Yes, sir.

Q. On February 12th you strike another balance showing \$1,864.43?

A. That is correct.

Q. To his credit on February 12th?

A. Yes, sir.

Q. And on the same date you credit him with \$9.27 for interest? That is the same as what you said before?

A. Yes, sir. The reason it is ruled up on the last sheet is because the book has not been turned in since. I have the checks in the office. That is as it appears on our ledger.

Q. This account comes down to August 24th, 1886?

A. Yes, sir.

Q. On the deposit side, on August 28th, on the account taken outside it shows a balance on August 28th of \$629.44. That is down to the present time?

A. The present time.

Q. Are these the dates when the money was deposited?

A. Yes, sir—these are the dates.

Q. What was the condition of his account on the 1st of July of this year?

(Witness here produces a paper.)

A. He had \$2,354.06.

Q. What did he have on the 15th of July?

A. He had \$1,135.73.

Q. And on the 16th of July ?

A. The same amount. It was not touched until the 20th.

Q. Now, on the 24th of July what did he have ?

A. \$754.47.

Q. And on the 28th of July ?

A. \$5.17.

Q. What did he have on the 30th of July ?

A. \$27.67.

Q. On the 30th of August ?

A. It was overdrawn \$97.56.

Q. On August the 8th it was overdrawn what ?

A. \$97.56.

Q. And on the 2d of August ?

A. His balance is \$52.44.

Q. And then it is overdrawn what ?

A. \$97.56.

Q. Now, on the 3d of August how did the account stand ?

A. Well, he had that balance.

Q. On the 5th of August how was it ?

A. It is overdrawn \$47.56.

Q. On the 7th of August ?

A. The same amount. It was not made good until the 11th of August.

Q. Now I find that he deposited \$500. How is it on the 12th of August ?

A. He had the same balance up to the 20th.

Q. What was the balance ?

A. \$52.44.

Q. And on the 20th of August ?

A. He had \$1,014.44.

Q. And on the 21st of August ?

A. He had \$414.44.

Q. And on the 24th of August ?

A. \$6,709.44.

Q. On the 25th of August ?

A. \$739.44.

Q. On the 28th of August ?

A. \$629.44.

Q. And that is his balance this morning ?

A. And that is his balance this morning.

Q. When the account was overdrawn there, how did it come to your notice ?

A. The bookkeeper notified me of the overdraft.

Q. What did you do ?

A. I sent word to Mr. Smith.

Q. Verbally ?

A. Verbally. I think, I sent twice ; first, I think, a written notice and then by a messenger, verbally.

Q. What was the reply ?

A. He said that it would be attended to, so far as I can remember. Being the Mayor, I paid no attention to it. I thought it would be all right.

Q. Were the checks protested ?

A. Yes, sir.

Q. Have you the protested checks with you ?

A. Yes, sir.

(The witness here produces the protested checks which are read by the Chairman of the Committee, Mr. Roberts, as follows) :

Check.

Nos. 327, 329 and 331 Chestnut St.

P. N. P., 7 | 12 | '86. J. Brobston.

No. 108.

PHILADELPHIA, *July 6, 1886.*

The Fidelity Insurance, Trust and Safe Deposit Co.

Pay to W. I. Thompson, Esq., or order, Two Hundred and Eleven  $\frac{80}{100}$  Dollars.

\$211.80.

WILLIAM B. SMITH, *Treasurer.*

Endorsement.

For deposit to the credit of The Camden National Bank.  
Isaac C. Martindale, Cash'r.

The Camden National Bank, Camden, N. J.

WM. I. THOMPSON.

UNITED STATES OF AMERICA.

No. 108.

PHILADELPHIA, *July 6, 1886.*

The Fidelity Insurance, Trust and Safe Deposit Co.

Pay to W. I. Thompson, Esq., or order, Two Hundred and Eleven  $\frac{80}{100}$  Dollars.

\$211.80

WILLIAM B. SMITH, *Treasurer.*

Nos. 327, 329 and 331 Chestnut St.

End.	{	WM. I. THOMPSON.
		For deposit to the credit of The Camden National Bank.
		ISAAC C. MARTINDALE, <i>Cashier.</i>
		Endorsement correct. Independence National Bank, Philadelphia.

*Be it known*, That on the day of the date hereof, at the request of The Independence National Bank, the holder of the original check or draft, of which a true copy is above written, I, the undersigned, Notary Public for the Commonwealth of Pennsylvania, by lawful authority duly commissioned and sworn, residing in the City of Philadelphia, during the usual hours of business for such purposes, presented the same at the Fidelity Insurance, Trust and Safe Deposit Co., to a proper clerk, there duly acting and attending, and competent to give answers, and demanded the payment thereof, which was refused and answer made, not sufficient funds for it.

*Whereupon*, I, the said Notary, at the request aforesaid, have protested, and do hereby solemnly protest, against all persons and every party concerned therein, whether as Maker, Drawer, Drawee, Acceptor, Payer, Endorser, Guarantee, Surety or otherwise howsoever, against whom it is proper to protest, for all Exchange, Re-exchange, Costs, Damages and Interest, suffered and to be suffered for want of payment thereof:—Of which demand and refusal I duly notified the Drawer and Endorsers.

Thus done and protested, at the City of Philadelphia, aforesaid, the Twelfth day of July, 1886.

[SEAL.]     2  
\$2.00

JOSEPH BROBSTON,  
*Notary Public.*

July 12, 1886. \$211.80.

William B. Smith, Treas., on Fidelity Ins. T. & S. Dep. Co., End. Isaac C. Martindale, Cas.

Pro. and Pos. \$2.06

211.80

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\$213.86

I.

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Check.

Nos. 327, 329 & 331 Chestnut St.,

A. P. R., N. P., 7 | 13 | 86.

No. 106.

PHILADELPHIA, *July 6, 1886.*

The Fidelity Insurance, Trust and Safe Deposit Co.,

Pay to Rev. Eugene Seibert, Principal, or order, One Hundred and Twenty-three  $\frac{17}{100}$  Dollars.

\$123.17.

WILLIAM B. SMITH, *Treasurer.*

Endorsement.

For deposit in the First National Bank of Bethlehem, Pa.,  
Eugene Seibert, Principal.

Pay Thos. Kitchen, Cashier or order for Collection for Account of First Nat'l Bank, Bethlehem, Pa., C. E. Breder, Cashier.

THOS. KITCHEN, *Attorney.*

—

A. P. Rutherford, Notary Public, 312 Stock Exchange Place,  
Philadelphia.

UNITED STATES OF AMERICA.

No. 103.

PHILADELPHIA, *July 6, 1886.*

The Fidelity Insurance, Trust and Safe Deposit Co.

Pay to Rev. Eugene Seibert, Principal, or order, one hundred  
and twenty-three  $\frac{17}{100}$  dollars,

(Signed) WILLIAM B. SMITH, *Treasurer.*

(Endorsed) For deposit in the First National Bank  
of Bethlehem, Pa.

\$123.17

EUGENE SEIBERT, Principal.

Pay Theo. Kitchen, Cashier, or order, for collection for account of First Nat'l Bank, Bethlehem, Pa.,

C. E. BREDER, *Cashier.*

*Be it known,* That on the day of the date hereof, at the request of the Central National Bank of Philadelphia, the holder of the original check of which a true copy is above written I, ALONZO P. RUTHERFORD, Notary Public for the Commonwealth of Pennsylvania, by lawful authority duly commissioned and sworn, residing in the City of Philadelphia, during the usual hours of business for such purposes, presented the same at the Fidelity Insurance, Trust and Safe Deposit Co., Phila., where it is made payable to a proper clerk there duly acting and attending, and competent to give answers, and de-



manded the payment thereof, which was refused, and answer made "not sufficient funds."

*Whereupon*, I, the said Notary, at the request aforesaid have protested, and do hereby solemnly protest against all persons and every party concerned therein, whether as Maker, Drawer, Drawee, Acceptor, Payer, Endorser, Guarantee, Surety, or otherwise howsoever against whom it is proper to protest for all Exchange, Re-Exchange, Costs, Damages, and Interest, suffered and to be suffered for want of Payment thereof. Of all of which I duly notified the Drawer and Endorsers.

Thus done and protested at the City of Philadelphia, aforesaid the Thirteenth day of July, 1886.

[SEAL.]

A. P. RUTHERFORD,

Notarial Fee, \$2.00.

*Notary Public.*

July 13th, 1886.

\$123.<sup>17</sup>/<sub>100</sub>.

WILLIAM B. SMITH,

*Treasurer.*

Protest, \$206.

\$125.23.

C. E. BREDER,

*Cashier.*

By Mr. Bardsley :

Q. This check (indicating check) is dated July 6th ?

A. Yes, sir.

Q. Were these checks presented at your bank ?

A. This one (indicating check) was presented—the check for \$211.80 was presented July 12th.

Q. What balance did Mayor Smith have on that date ?

A. Twenty-three cents.

Q. On the 12th of July he had twenty-three cents to his credit, so that when this check of \$211.80 was presented it was not paid?

A. No, sir.

Q. And when the one for \$123.17 was presented it was?

A. The same thing.

Q. How much did he have then?

A. Twenty-three cents.

Q. So, of course, the check was not paid?

A. No, sir.

Q. Have they been paid since?

A. They have been paid since—yes, sir.

Q. When were they paid?

A. The one for \$211.80 was paid on July 21st.

Q. And the other one?

A. The one for \$123.17 was paid on July 31st.

Q. Have you had any settlement of the account since you paid those checks?

A. No, sir.

Q. So you are holding them now as vouchers?

A. As vouchers.

Q. Since the settlement of July 17th there have been a number of transactions?

A. Yes, sir.

Q. And the Mayor has drawn a number of checks?

A. Yes, sir.

Q. Have you those with you?

A. I have.

(The witness here produces a number of checks.)

Q. How many are there of them, about?

A. 14—16 altogether, with the two protested.

Q. Suppose you read them?

(The witness proceeds to read the checks, in obedience to the request of the Committee, and says, "No. 115, July 20th," when he is stopped by Mr. White, of counsel for the Mayor, who speaks as follows :)

Mr. White: As these proceedings are *ex parte*, which fact has been intimated to us by the Committee, I suppose that we can now only make a protest. We do make that protest. The Mayor stated to this Committee that the account he presented showed the amount of the moneys deposited over and above what came from the city, and stated that he used that account as his own. You have the deposits and the amounts drawn before you, but it seems to us that this Committee is now about to proceed to examine private accounts or the private checks of this gentleman, which have been given in his general business. That cannot be required for any purpose germane to this investigation, because the fact is admitted and established that that is his personal account of money deposited to his personal credit. I would like to know how this public body is going to justify itself in a search into the private transactions of William B. Smith, or of persons in no way concerned with these transactions which the Committee are investigating. I would like to know, also, how this bank is justified in producing such testimony upon any subpoena without being compelled by any court, upon any plea that it is germane or proper to this investigation. I have no hesitation in saying that no court in this Commonwealth would stop for a moment in saying that such a course was not proper. It is simply to ascertain with what persons Mr. Smith may have had money transactions, to whom he may have given checks, and for what amounts. The examination would concern desultory checks of small amounts given in a long number of years in an account where \$48,000 have been deposited in one year, and we would respectfully submit that it is not within the province of the Committee to investigate such matters, which are not relative to the inquiry. There may be other things—many things—I don't know what there may be in those checks. There

may be payments by Mr. Smith which it would be hurtful to his business, or hurtful to the business of others, to know anything about—contained in the checks. I don't know what is in those checks. For that reason I put our protest in. As I said before, the fact as admitted and proved in every way that this money, if it was city money, was paid to his personal account. Of course, we will have something to say, whether it was city money or not, when the proper time comes. But we do not now propose to give any trouble about that. We have no object, either, to prove the balance in his favor, but I submit that the Committee are now going into transactions concerning their purposes, which are not germane to this inquiry.

Mr. Roberts (Chairman): What action will the Committee take upon the protest made by the Counsel for the Mayor?

Mr. Clay: If I understand the answer, or the document which came from the Mayor, it was that the City moneys which came into his hands were deposited in a separate account, as Treasurer, in order that there should be no trouble to distinguish them from his own personal moneys. If that be the case, it occurs to me that the Committee has a right to learn how these moneys have been deposited, and used, so that the Committee may know how to divide what has been deposited on account of his private affairs and as Mayor of the City of Philadelphia. But if it is necessary to go any further, and if there is any difficulty about the question, I would suggest that we ask of the City Solicitor whether or not the Committee has the right to demand that the checks shall be read.

Mr. White: I would suggest, as a member of the Committee has intimated something as admitted by the Mayor, of which I have no knowledge as admitted by him, I would suggest that the Committee settle the question promptly, because it is a matter of importance. Certainly there is nothing now before the Committee which would justify the remarks made by a certain member of the Committee. There is no such

statement or demand made, so far as the minutes of the Committee go, that the Mayor kept a separate account of those moneys. You have the Mayor's statement and his letter.

Mr. Lawrence: I presume that the reports which were published in several newspapers, purporting to be statements of his Honor, the Mayor, that he had deposited this money as Treasurer, and kept it separate from his own accounts, I presume that those were the reasons for introducing this evidence. But as the fact is admitted by Counsel that he did not keep this money separate from his own account, I do not see that there is any occasion to go further in this line. I would suggest that the reading of the checks be not admitted as evidence.

If it is a personal account of the Mayor of money that he has received or disbursed, we have no right to go into it, only so far as he is affected as Mayor of the City. If he admits that this money was his personal account and so used—and if his Counsel now here so admit—then the proof is established by admission, and I for one, would not like to disturb or humiliate the Mayor or any other man as to any matter of his private concerns—beyond what it is my plain duty to perform. Consequently, I move that the reading of the checks be not insisted upon, because at this stage of the proceedings that proof has already been admitted.

Mr. Clay: I would call attention to a communication which we received from the Mayor on Saturday last.

(Mr. Clay here reads from the communication sent by the Mayor to the Committee.)

Mr. Claridge: I will second the motion of Mr. Lawrence that the checks be not now read.

Mr. Roberts: (the Chairman). It is moved and seconded that the reading of the checks be discontinued.

Mr. Bardsley: I am not ready, Mr. Chairman, to have that motion put. I prefer to hear from our counsel, the City Solicitor, first, and then if it be desirable, we can retire for consultation.



Mr. Lawrence : I withdraw my motion for that purpose.

Mr. Bardsley : I desire to know what the opinion of the City Solicitor is. If he desires it we will retire for consultation.

Mr. Warwick : (The City Solicitor.) I am ready, as I am here to advise the Committee at any time when they may desire my advice.

Mr. Bardsley : I would like to know whether the City Solicitor is ready to give his opinion now.

Mr. Warwick : Oh, yes. I can advise you upon the question in regard to law, but I think under the circumstances, you had better retire, inasmuch as you do not sit here as judges to pass upon questions of law, but sit here for the simple purpose of investigating these questions to satisfy your own mind, whether or not articles of impeachment shall be brought against his Honor, the Mayor of the City. It is a matter more of discretion to satisfy your own minds, than a matter of law at this time.

If you believe that you have now enough before you in order to determine that question, then I do not see that there is any need to go into the private accounts of any person. But if you want my advice upon questions of law—if you desire to be instructed on them, I can give you them in a moment.

Mr. Bardsley : I move that the Committee retire for consultation.

The question being upon the motion of Mr. Bardsley. It was agreed to. Whereupon, the Committee retire into the Chamber of the Common Council for consultation.

After consultation.

The Committee return to the Select Council Chamber after their consultation and are called to order by the Chairman—Mr. Roberts.

Mr. Roberts : (Chairman.) The Committee have decided to hear the evidence.



Mr. White: (Of Counsel for Mayor Smith.) I desire to state to the Committee that since you went into Executive Session, I have received a message from the Mayor stating that while he entirely agrees with the course I have pursued, yet, voluntarily, he desires that the checks shall be read, if any gentleman of the Committee has any curiosity about them.

Mr. Roberts: (Chairman.) The Committee have decided the course to pursue.

*Robert M. Scott*, recalled:

Mr. Roberts, Chairman: Mr. Scott, you will now proceed with the reading of the checks.

(The witness here produces a number of checks.)

Mr. Clay: Please give them to us in their order as they are numbered, and we will figure up the amounts.

The Witness. Very well. I have now arranged them in order. The first is

No.	Date.	Name.	Amount.
115,	July 20,	George Hopp, . . .	\$700 00
116,	July 20,	H. Linaka, . . .	432 40
117,	July 24,	W. K. Stuart, . . .	80 00
118,	July 26,	A. R. Gunn, . . .	600 00
119,	July 27,	R. W. G. Lauer, . . .	17 50
120,	July 27,	Henry W. Fitch, Cashier, .	399 30
121,	August 2,	Mrs. W. B. Smith, . . .	100 00
122,	August 6,	J. Grist, . . .	58 00
123,	August 20,	Frank F. Bell, City Treas.,	400 00
124,	August 20,	Geo. Hopp, . . .	200 00
125,	August 23,	Frank F. Bell, City Treas., .	2,300 00
126,	August 24,	" " .	5,300 00
127,	August 24,	" " .	670 00
127,	August 27,	" " .	128 00

By Mr. Bardsley :

Q. That is all since the last settlement, with the exception of the two protested ?

A. Yes, sir.

Q. I would like you to fix in your mind as near as possible when the trustee account was closed—whether since January 1, 1885, or prior thereto.

A. I cannot tell without referring to the books. We have a record room up-stairs in the second story, and we have to climb the stairs and I didn't go up to look.

Q. Will you be kind enough to ascertain the fact and return with the information ?

A. Yes, sir.

*Benjamin Abrahams*, being duly sworn according to law, testifies as follows :

Examination by Mr. Roberts (Chairman) :

Q. What is your business ?

A. The segar business.

Q. Where is your place of business ?

A. At No. 814 South street.

Q. Do you know Mrs. Ettie Heyman ?

A. I do.

Q. What business does she follow ?

A. None at present.

Q. What business did she follow ?

A. The pawnbroking business.

Q. When did she discontinue it ?

A. In the latter part of April of this year.

Q. How long had she been in it ?

A. Thirteen years to my knowledge, or longer. I don't know how much longer.

Q. At that place ?

A. Yes, sir.

Q. Is she out of the city now ?

A. She is.

Q. Where is she ?

A. In Germany, on a visit.

Q. What do you know about her having a license to conduct her pawnbroking business in 1886 ?

A. Well, in 1886, in the first week in January, she paid to them for a license \$100.

Q. Where ?

A. In the Mayor's Office—to Major Linton.

Q. You say in January ?

A. Yes, sir.

Q. It was for this year's license ?

A. For this year.

Q. Did you see her pay it ?

A. No, sir ; but parties seen her pay it.

Q. You say she paid it, but you did not see her pay it ?

A. No, sir.

Q. Were you there with her ?

A. No, sir.

Q. Who was there with her ?

A. The party what saw her pay it was Mr. Linse, a pawn broker on South street,

Q. How do you know that she paid it—simply by hearsay ?

A. By hearsay and by him.

Q. Did she tell you that she paid it ?

A. She did. Her bond was filed and her insurance was all right. I know of the insurance, because I took the insurance

to the Mayor to get a rebate when she was going out of business. That was her insurance, and I took it there to get the rebate.

By Mr. Clay :

Q. What was the amount of the insurance ?

A. Thirty dollars—for \$5,000.

By Mr. Bardsley :

Q. Did you procure the insurance ?

A. I procured the insurance from Major Linton, and got the rebate.

Q. Did you hand to Major Linton the policy of insurance ?

A. No, sir ; she handed it to me back.

Q. She wanted something out of the insurance ? When did she go out of the business ? Or she wanted something out of it when she went out of the business ?

A. Yes, sir.

Q. And you got her policy of insurance back ?

A. Yes, sir.

Q. Did he hand you anything else back ?

A. That is all.

Q. What about the bond ?

A. I knew nothing about the bond ?

Q. He did not hand that back ?

A. No, sir.

Q. Then you don't really know anything about the payment of the money ?

A. No, sir.

Q. Is there anybody here that does ?

A. I don't believe there is. But Mr. Linse told me on Saturday he saw Mrs. Heyman pay it.

By Mr. Claridge:

Q. You don't really know anything about the matter, except what is hearsay evidence?

A. I only know what I just told you. There is nothing else that I can state.

Q. You just make this statement from hearsay?

A. Yes, sir.

By Mr. Iseminger:

Q. You succeeded this lady in business?

A. No. I did not succeed her, but I am acting for her.

By Mr. Bardsley:

Q. All that you know is that you received the policy of insurance back?

A. Yes, sir—with Mayor Smith's signature, and that I got the rebate.

By Mr. Lawrence:

Q. This lady continued in the business until the latter part of April, this year?

A. Yes, sir.

Q. Did she have a license for this year?

A. She had not received a license up to date.

Q. Then she conducted her business for four months without a license?

A. That is how it looks.

Q. Have you ever notified them about getting a license?

A. No, sir.

Q. Do you know whether this money was ever returned to the City Treasurer among other money?

A. I don't believe it has ever been accounted for.

Q. I am asking you what you know, not what you believe. You know that she conducted her business four months without a license?

A. Without having a license.

Q. Was any effort made to get a license ?

A. No, sir ; it was not.

By Mr. Claridge :

Q. You were acting as her agent ?

A. Yes, sir.

Q. Then you knew that you were carrying on this business without a license ?

A. I knew it was paid for.

Q. But you knew that you were really carrying on this business without a license after getting this insurance back, unlawfully ?

A. No ; when I got the insurance back she had retired from business.

Q. Then you did not carry it on without a license ?

A. Yes ; from January up to that date.

Q. There was no attempt made to get this license ?

A. No attempt whatever, because we thought it was not required.

Q. How long had you been in the business of pawnbroking ?

A. Do you mean how long she had been ?

Q. Yes.

A. For thirteen years she had been.

Q. And you did not think it was necessary to get a license ?

A. No, sir.

*Robert P. Dechert*, being duly sworn according to law, testifies as follows :

Examination by Mr. Roberts (Chairman) :

Q. You are the Controller of the city ?

A. I am.



Q. We have received through you from the President of Common Council a letter and statement. Do you swear to their correctness?

A. I do, so far as it appears to be stated of my own knowledge; but so far as it is not, it is upon information and belief. That is as to the letter.

Q. What can you say with regard to the year 1885? Your communication is confined to the current year?

A. The letter and the correspondence attached refer entirely, I think, to 1886. As to 1885, I have a copy of a statement of the City Treasurer when the returns were made, and if you want the details I can give them to you.

Q. Well, what are they?

A. There was paid:

January 6th,	.	.	.	.	.	\$25
January 8th,	.	.	.	.	.	25
March 13th,	.	.	.	.	.	125
March 31st,	.	.	.	.	.	150
April 25th,	.	.	.	.	.	34.30
April 30th,	.	.	.	.	.	200
June 15th,	.	.	.	.	.	75
July 2d,	.	.	.	.	.	5
August 25th	.	.	.	.	.	600
August 31st,	.	.	.	.	.	500
September 5th,	.	.	.	.	.	628
September 24th,	.	.	.	.	.	25
December 18th,	.	.	.	.	.	30.94
December 18th,	.	.	.	.	.	2,000
December 21st,	.	.	.	.	.	800
December 26th,	.	.	.	.	.	1,500
December 30th,	.	.	.	.	.	125
December 31st,	.	.	.	.	.	456
December 31st,	.	.	.	.	.	2,100

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\$9,404.24

By Mr. Bardsley :

Q. Those are the receipts for 1885 ?

A. Those are the Treasurer's receipts for 1885. This transcript (indicating paper) will show from what classes of subjects these moneys came, but not from the individuals. There was no such detailed return made in 1885. It was not called for, and I know of no law or ordinance that requires it to be made. I find that the practice, going back at least for the two preceding Mayors, has been that such a return has not been made. The only return made to the Treasurer was a copy of the receipt of the Treasurer when payments were made which set out the amount which came from the different classes, but not from the individuals. Those returns are here and can be produced.

Q. Is it a part of your duty to demand from the Department a monthly account.

A. Not of the Mayor's Department, unless I have some information or knowledge given to me to take it out of the ordinary rule. I know of no law or ordinance which makes it the duty of the Mayor to send to the Controller a detailed return, either weekly or monthly, or in any period.

Q. So that through the year 1885 the Mayor made the returns at his convenience under these dates which you have given us ?

A. Yes, sir. At the time the practice was—for instance on January 6th he would take \$25 to the Treasurer's office, and he would obtain two receipts. One he would keep and the duplicate he would send to the Controller's office. That would be entered up against him and be subsequently used in auditing his accounts, and as a check on the Treasurer's account, so in his returns there might be an interval of thirty or sixty days intervening. As I have said, I know of no official information that would come to my office—to the Controller's office—that would lead me to know officially that there was any-

thing in the hands of the Mayor. As an individual I might think so.

Q. It is customary for you to inquire from the departments as to their probable receipts and expenditures for the current year. You made such an inquiry from the Mayor's Department in 1886, and you received his answer?

A. I made that inquiry in July of 1885. It, of course, must be made in order to get into the statement made to City Councils on the first of September, under the provisions of the Act of 1879.

Q. What was his answer as to the anticipated receipts for 1886?

A. He answered that the probable receipts would be \$8,000.

Q. Now, we commenced in 1886. When was your attention called, or when did you call the attention of the Mayor to the necessity of paying the moneys that he might have?

A. The first time was in either May or June.

Q. Of this year?

A. Yes, sir. That was in the interview in my office. There were a number of bills that were laid aside because of some supposed irregularity, and the Mayor came up with his clerk, who attended to that duty, to give his personal explanation. We disposed of them all afterwards, and I reminded the Mayor, or told him, that I had something further to say that we were interested in. I reminded him that his payments in 1885 were made quite late—some on the last day of the year, near the close of business, and that it was inconvenient for us in making up our statements and in keeping our accounts, and I asked him to pay in whatever moneys he had, as early in the year as he could.

Q. As early as possible in the year?

A. Yes, sir; I explained that our books were closed on the 31st of July, and that if his return for that period was not made he would get no credit in the annual statement for fees

actually paid—that the difference between what was paid and the \$8,000 that he had estimated, would be paid, except the probable receipts for the remaining five months.

Q. You mean to refer to your annual statement, as before, on the first of September, to Councils?

A. Yes, sir; he thanked me for calling his attention to it and said it would be attended to.

Q. That was in May?

A. Either in May or June.

Q. Well, what was the next thing?

A. I was absent from the city for one week, ending on July 19th at the military encampment of the State. On my return home, or on getting to my office on Monday the 19th, the energies of all the clerks in the office were at once directed to the preparation of the annual statement which involves a great many calculations, and of course, it was very desirable to have it as accurate as possible. In getting from the Treasurer a definite statement of the amounts that the several departments had actually paid in during the year, it appeared the Mayor had not paid in any of the moneys that he had received, as I requested he should do, except \$2.50. There were two full weeks in which to do this. Immediately his attention was called to the matter by telephone. The chief clerk, I think on each occasion, sent the message by telephone, and on at least three of those occasions, I was by his side and the message was communicated to me.

By Mr. Roberts (Chairman):

Q. Who is the chief clerk? You mean your chief clerk?

A. Yes, sir. On another occasion the attention of the messenger was called, and he afterwards reported that he had called the Mayor's attention to it. These messages were, that whatever moneys the Mayor had received from the several sources—whatever he had received during 1886 should be paid in, or he would not get the credit in the statement that I have

spoken of. Each time the reply came back that they would do so. The last message was sent either on the 30th or the 31st of July. My recollection is that the 30th came on a Friday, and the message came back from Mr. Linton that the Mayor had gone to Atlantic City, and had taken the return and would make up the account and pay it. On the following Monday on getting to my office, I sent to the Treasurer to see whether any payment had been made by the Mayor on the previous Saturday, and the answer was that there had been none. That would have preceded the making up of the annual statement—which was made up, as I did not desire it to be made up, because I wanted the column of actual receipts for the seven months to be as true as possible.

Mr. Bardsley :

Q. So, in point of fact, up to the first of August of this year, the Mayor had paid in \$2.50 ?

A. Yes, sir. I will say now, because I may forget it—I will put this fact before you, that if I had wanted to communicate to Councils on any matter of sufficient importance, that Councils were in recess, and that consequently, the communication would have been postponed until the regular period, when it was my duty to communicate this—that is, at the first meeting of Councils after the 1st of September.

Q. Have you a statement showing the amounts paid in by the Mayor since the 1st of August ?

A. Yes, sir.

Q. Have you a statement of the amounts he received, prior to the 1st of August ?

A. Yes, sir.

(The witness here produces papers.)

Q. That is what he collected and did not pay in ?

A. According to his returns. I have abstracted some results from his return, which I am prepared to give you.

Q. You mean from the Mayor's original return ?

A. Yes, sir—and the papers attached to it. It has been called for specially. It is an itemized return, setting out first the coal oil licenses—his returns for the coal oil licenses—

Q. But, first, please give me the returns of the Mayor on certain dates, in round sums. We will come into the other details afterwards. What was the first payment that the Mayor made ?

A. Made to the Treasurer ?

Q. No. I want to know what he collected. What did he collect in January according to his statement ?

A. From coal oil licenses, wholesale,	.	.	\$140
In February, .	.	.	80
March, .	.	.	60
April, .	.	.	30
July 1st, .	.	.	10
July 14th, .	.	.	10
			<hr/>
			330

#### Coal Oil Licenses, Retail.

January, .	.	.	.	.	\$20
February, .	.	.	.	.	130
March, .	.	.	.	.	230
April, .	.	.	.	.	60
					<hr/>
					440

#### Redemption of dogs.

April, .	.	.	.	.	\$104
May, .	.	.	.	.	148
June, .	.	.	.	.	190
August 13th, .	.	.	.	.	444
					<hr/>
					\$886.



## Sale of cow and horse and carriage.

February,	.	.	.	.	.	\$2 50
August 24th,	.	.	.	.	.	13 25
						<hr/>
						\$15 75

## Fines imposed.

March,	.	.	.	.	.	\$4 76
April,	.	.	.	.	.	2 38
August 10th,	.	.	.	.	.	7 14
						<hr/>
						\$14 28

## Pawnbrokers' Licenses.

January,	.	.	.	.	.	\$5,400
February,	.	.	.	.	.	500
March,	.	.	.	.	.	300
April,	.	.	.	.	.	500
May,	.	.	.	.	.	200
June,	.	.	.	.	.	300
July 2d,	.	.	.	.	.	100
August 17th,	.	.	.	.	.	100
August 24th,	.	.	.	.	.	800
						<hr/>
						\$8,000

## From Theatrical Licenses.

January,	.	.	.	.	.	\$100
February,	.	.	.	.	.	100
						<hr/>
						\$200

## Gunpowder Licenses.

March,	.	.	.	.	.	\$5 00
April,	.	.	.	.	.	5 00
June,	.	.	.	.	.	10 00
August 10th,	.	.	.	.	.	5 00
						<hr/>
						\$25 00

Q. What does that make a total of?

A. \$10,071.03, with \$150 off, because that was paid after my return to the city.

Q. Well, it makes \$9,911.03?

A. Yes, sir.

Q. Now state to the Committee the times and the amounts when he paid moneys into the city treasurer during this year, commencing with January?

A. February 1st, \$2.50.

Q. What were his receipts during the month of January, altogether?

A. I can give you his balances on each class of items in the month of January.

Q. Give them to us?

A. At the request of the City Solicitor I have somewhat hastily, but I think the calculations are entirely right, but intend to have them verified, my excuse being that it was not received until late on Saturday evening. Compared the returns furnished by the Mayor on the 27th of August with a copy of the receipts by him to the City Treasurer, made by him, which was furnished to me by the City Treasurer, and I find that he had in his hands on the dates the following balances—in January:

Q. If you will allow me we will come to that after a little while. I want to know how much the Mayor has collected in his office in the month of January, 1886?

A. Coal oil licenses, wholesale,	.	.	\$140
Coal oil license, retail,	.	.	20
Pawnbrokers' license,	.	.	5,400
Theatrical license, . . . .	.	.	100
			<hr/>
			\$5,680

Q. The Mayor says to you in his return that he collected \$5.680 in January?

A. Yes, sir. His return says so.

Q. How much did he pay into the City Treasury?

A. Nothing.

Q. He collected that sum of money and paid nothing in?

A. Yes, sir.

Q. Now for February?

A. Coal oil licenses, wholesale,	.	.	\$80 00
Coal oil licenses, retail,	.	.	130 00
Sale of cow,	.	.	2 50
Pawnbrokers' licenses,	.	.	500 00
Theatrical licenses,	.	.	100 00

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\$812 50

Q. According to that return the Mayor received \$812.50 in February, and paid into the City Treasury what?

A. \$2.50.

Q. Now, in the month of March, what did the Mayor collect?

A. Coal oil licenses, wholesale	.	.	\$60
“ “ retail	.	.	230
Pawnbrokers licenses	.	.	300
Gunpowder licenses	.	.	5
Fines imposed	.	.	4 76
Total	.	.	\$599 76

Q. That is, for the month of March he received \$599.76, and what did he pay in?

A. Nothing.

Q. Now give us April.

Coal oil licenses, wholesale	.	.	\$30
“ “ retail	.	.	60
Redemption of dogs	.	.	104
Fines imposed	.	.	2 38
Pawnbrokers	.	.	300
Gunpowder	.	.	5
Total	.	.	\$501 38

Q. So the Mayor received \$501.38 in April. What did he pay in April?

A. Nothing.

Q. Now give us what he received in May?

A. Redemption of dogs	.	.	.	\$143
Sale of horse and wagon	.	.	.	13 25
Pawnbrokers	.	.	.	200 00
Total	.	.	.	<u>\$361 25</u>

Q. So he received \$361.25 according to his own statement in May. What did he pay into the City Treasury?

A. Nothing.

Q. Now give us for June?

A. Redemption of dogs	.	.	.	\$190
Pawnbrokers	.	.	.	300
Gunpowder licenses	.	.	.	10
Total	.	.	.	<u>\$500</u>

Q. So he received \$500 for the month of June; and what did he pay into the City Treasury in June?

A. Nothing.

Q. Now, July.

Coal oil licenses, wholesale	.	.	.	20
Pawnbrokers licenses	.	.	.	100
Total	.	.	.	<u>\$120</u>

Q. So he received \$120 in July. What did he pay into the City Treasury?

A. Nothing.

Q. Now, in August, what does the Mayor say he collected?

Redemption of dogs	.	.	.	.	\$444
Fines imposed	.	.	.	.	7 14
Pawnbrokers licenses	.	.	.	.	900
Gunpowder license	.	.	.	.	5
Total	.	.	.	.	<u>\$1356 14</u>

Q. What did he pay into the City Treasury in the month of August up to the 27th of the month?

A. Well, I will give that to you as I have it here (referring to a statement in his hands), and you can figure it up for yourselves:

\$	25	00
	200	00
	400	00
	2,300	00
	5,300	00
	670	00
	13	25
	886	00
	11	90
	2	38
	110	00
<hr/>		
Total,	\$9,918	53

Q. That is up to and including the twenty-seventh day of August?

A. Yes, sir.

Q. How are you advised of the payment by the Mayor to the City of Philadelphia?

A. In the first instance, by his agent leaving at the Controller's office a copy of his receipt.

Q. Have you any of those receipts with you?

A. Oh, yes, sir.

(The witness here goes to a clerk of his office in attendance, in the matter, and procures from him certain papers.)

By the witness: The second mode is when the Treasurer's return comes in. He indicates the receipts from the different sources on his daily return.

Q. Please read one of those receipts.

(The witness here reads from one of the receipts as follows:)  
 "August 28, 1886, Mayor's office, Philadelphia" (this seems to be a printed form), "received of J. L. Linton for the Honorable William B. Smith, Mayor, four hundred and twenty-five dollars for pawnbrokers' licenses for 1886, and five gunpowder licenses. Signed, J. Gallagher, for City Treasurer, and marked duplicate across the face.")

Q. That is the return made to you on the day when it was paid into the City Treasury?

A. Yes, sir.

Q. Will you leave those papers with us?

A. Oh, yes, sir.

Q. I presume you enter those amounts in your books?

A. Yes, sir. The book is here. It is the regular mode for all these payments—from all the officials.

Q. Have you any system in your office whereby you can inform this Committee that these moneys that the Mayor has paid in cover all that he has received?

A. No, sir. I do not know of any system. The only return by any of the previous Mayors or by Mayor Smith in his first term was contained in a similar receipt. Then the auditors went to the Mayor's office to audit these receipts, and they saw that these receipts corresponded with the entries made in his books of the receipts. The audit is based upon that, unless other information comes to the Controller's office, which leads the auditors to believe that they should go further—that there is some inaccuracy concerning the books.



Q. Now, the receipts cover a number of subjects—coal oil licenses, wholesale and retail, and theatrical licenses, and pawn-brokers' licenses and other matters. Have you any knowledge of the receipt of any moneys by the Mayor that were omitted by him in his statement to you?

A. The Mayor made an over-draft of ten dollars. That is proved to be only apparent, because the next day a man named Henry Stutz sent to me his receipt for ten dollars, for a retail coal oil license. The only other two instances I know of are the case of Rosenthal, who called to see me and said that he had paid one hundred dollars for a license, but his name was not contained in the return; and another one who preceded him, Mr. B. Abraham, I think. He said that his mother-in-law had paid, in the presence of some witnesses, one hundred dollars. In my calculations I have not included anything not in the returns.

Q. With the exception of those two pawn-brokers' licenses, Rosenthal and—

A. I do not remember the name; but I believe it was for a woman whose name was Hettie Hyman.

Q. With those exceptions you have no knowledge of any moneys having been paid to the Mayor, that he has not accounted for in his statement?

A. No, sir; I have not.

Q. And you have no means whatever of verifying his statement, by records in your office?

A. No, sir. The return that he makes to me under oath is conclusive, unless subsequent proofs are made to me through some other channel.

Q. It has been stated in the public press that there are on the roll of the police officers some who do not perform any service. What check have you, if any, in your office, against a system of that kind?

A. Well, the first check is a roll that is sent, certified to by the Lieutenant of the District, and approved by the Mayor

of the city, and sworn to by his designated official, that the pay-rolls are correct, and that the services charged in those rolls have been rendered. Next, I have to see that the appointees have been confirmed by Select Council. I do not know of any other check.

Q. Have you had information conveyed to you through any channel of that being practiced in the Mayor's Department?

A. Only through the public press that you have referred to. I have, at times, temporarily laid aside a warrant where it was alleged that a man was not performing his duty, but an investigation having convinced me that the charge was groundless, I sent for the man and gave him his warrant. That occurred in two or three instances since I have been in office. Of course if any citizen were to give me proof that a man on the roll was not doing service I surely would not countersign his warrant, and would give him the opportunity of bringing suit before a magistrate. I remember particularly the case of a contractor—a man who had a contract for collecting garbage—and I thought that he ought not to be permitted to draw his pay as a policeman, and so I retained his warrant until his contract was terminated, after which he devoted his whole time to his duties, and then, after that time, he got his warrant.

Q. You have of course read the proceedings of Councils of last Thursday, and are aware of the appointment of this Committee, and the object of its appointment. Do you know of any matter or thing that would assist this Committee in ascertaining the facts which they are charged to ascertain, other than what you have told us?

A. There were three cases of policemen referred to in the public newspapers—one William Lang. I looked backward and found that his name appeared on the rolls regularly in every case until the month of August, and after this agitation. I purposely referred then to that roll of the Twenty-third District—naturally did so—and the name of Lang did not appear.

My purpose was to take it out and lay it aside. The other cases were of Ash and Gray, alleged to be patrolmen but who had performed no duties. I laid them aside and did not countersign them, and they have not been delivered. Another case which has been referred to was the case of a man—a lieutenant—I have forgotten his name—no, Lieutenant Baldwin. I think I had sufficient knowledge that he did duty, from the fact that not a week passed that he did not come before me and swear to the correctness of the coal bill for the Police Department. This is his duty, under an Act of Assembly, to supervise the delivery of coal to the Department—to see that it is properly weighed, and to keep an account of each load, and to make proof before the Controller that he has done so. He did so, and I therefore knew that he had been periodically on service, and I delivered his warrant as usual. I do not know of anything else to aid you, unless you want these balances (referring to papers in his hands).

Q. The name of Lang appears every month previous to August on the rolls?

A. Back to a certain period.

Q. Regularly?

A. Yes, sir.

Q. With precision?

A. Yes, sir.

Q. And the warrants came to you in the regular way?

A. By Mr. March, who is the Mayor's Chief Clerk, designated to perform that duty.

Q. Has the name of Warren King been called to your attention?

A. No, sir. Of what district?

Q. Of the Fifth District.

A. No, sir; I will make a note of it.

(The Controller here, in a loud voice, calls to a clerk from his office, who is present in the Chamber, to make a note of the name of Warren King.)

Q. Do you know of any other matter or subject or information which should be in your department, or should have come to you in any way, that would assist the Committee in arriving at a proper conclusion in the matter which they are investigating?

A. I do not think of anything at this time; but if you can direct my mind to any particular subject I may say something. I know that the Mayor was urged in 1885 to pay these moneys in, more than once.

Q. By whom?

A. By officials of the Controller's Department.

Q. What were they urged to do?

A. To pay whatever money remained in their hands into the Treasurer's Department, because we wanted to have the income of 1885—the money and fees collected, credited to the income of 1885—so that the accounts might be true; and wherever we thought that a department might have money at all we sent word to them to pay before the 31st of December all the moneys they had. That message was sent to the Mayor's Department more than once. The last time was, I think, about three o'clock on the 31st of December. It may have been a little later.

Q. But the money could not.

A. Oh, yes. It got in.

Q. Was he urged by the officials of your department prior to August 1st of last year to pay the the money in?

A. I cannot remember that.

Q. But between August and December you do remember?

A. Yes, sir; I had a great deal on my hands at that time, and was not entirely familiar with the duties of the office. I was learning something every day.

Q. He replied, I presume, that he would give the matter his attention?

A. Yes, sir. My Chief Clerk is here—Who made many of the requests.

(The witness here produces and hold in his hands a paper).

Q. What is that statement that you have in your hands?

A. It is the result of an analysis of the Mayor's returns made on the 27th of August compared with the payments into the Treasury and which shows, commencing with January the amounts, including the amounts he had paid into the Treasury—the amounts of the balances of the public moneys in his hands,, designated or supposed.

Q: For instance, at the close of January, he had or should have had in the City Treasury, what?

A. \$5,660.

Q. And he had there?

A. Nothing.

Q. At the close of February what ought there to have been in there?

A. He had in his hands at the close of February \$6,470.

Q. That is the amount that ought to have been in the City Treasury?

A. Yes, sir.

Q. Now, at the close of March what was the amount?

A. Well, including the previous payments \$7,069 76; and for April \$7,571 14; and for May \$7,932 39; and on the 30th of June \$8,432 39.

Q. So at the close of June there ought to have been in the City Treasury, what?

A. \$8,432 39.

Q. How much was there?

A. Well, I have given him credits.

Q. But those are the number of dollars that ought to have been in there?

A. Yes, sir.

Q. In other words at the end of June, he was short \$8,432.39 ?

A. He had in his hands that much. That increased, so that on the 2d of July it was \$8,834.39. It remained at that all through July and through the early part of August, until the 10th of August when it decreased to \$8,564.53.

Q. How much was it on the 10th of August ?

A. \$8,564.53.

Q. What is the amount he was short ?

A. Well, it was the amount in his hands ?

Q. Let us understand it. That is the amount that he withheld from the City—is that it ?

A. Yes, sir.

Q. Now state the amount over again ?

A. \$8,564.53.

Q. That is the amount withheld on that date ?

A. Yes, sir.

Q. Now the next date ?

A. It was the same. It was the same on the 12th. On the 13th it increased to \$9,008.13.

Q. So that on the 13th there was withheld how much ?

A. \$9,008.13.

Q. Now, the next.

A. It was the same on the 14th, on the 15th and the 16th. On the 17th it increased to \$9,108.53. On the 18th it was the same and on the 19th it was the same, and then on the 20th it decreased by reason of payment to \$8,483.53. It remained the same on the 21st and 22d and 23d, when it was reduced by payment to \$6,183.53, and on the 24th it was reduced to \$102.38 ; and on the 27th that was wiped out.

By Mr. Claridge :

Q. In 1885 I understood you to say that you made frequent demands on the Mayor for payment ?

A. In the latter part of the year.



Q. Did you do so officially?

A. Yes, sir. But not in writing.

Q. In what manner?

A. Verbally to himself—over the telephone.

Q. Did he answer the telephone himself?

A. I cannot say. He might have been by the telephone—by the side of the telephone, when any one would say “The Mayor is here.”

Q. What I want to get at is whether you said to him personally what you had to say—whether he was alongside the phone?

A. I won't say that I spoke to him personally in 1885, but I know that reports were made to me frequently that these requests had been made.

By Mr. Clay :

Q. What was your mode of communication when you communicated with the Mayor? What did you do?

A. If I had reason to believe that there was a deliberate attempt to violate the law, or that the public money was endangered I would write a note to know about it, and would follow it up urgently.

Q. But that was not my question. I want to know in what manner you communicated with the Mayor when you did communicate?

A. Personally, at the first interview.

Q. That was with the Mayor?

A. Yes, sir, in my office. I requested him to turn in whatever moneys he had collected for the City in his Department as soon as he could.

Q. In 1885 or 1886?

A. 1886.

Q. I am now speaking about 1885?

A. In 1885 it might have been by my subordinates. I think it was by my chief clerk—who is here.

By Mr. Lawrence :

Q. You say you know of no law which would compel the Mayor to produce an itemized account?

A. Not exactly that. I have the right to call upon the Mayor, or upon any City official for a daily itemized account, if I believe it my duty to do so. It was under that power I addressed the letter to the Mayor. What I said in my testimony was that I did not know of any Act of Assembly or any Ordinance of Councils which makes it obligatory upon the Mayor to send to the Controller a report weekly, or monthly, or yearly.

Q. Is there any law which compels the heads of other Departments to do?

A. Yes, sir. Some of them are compelled by special laws. For instance, the City Solicitor. And the Chief Commissioner of Highways must make his report week by week, and the Commissioner of City Property monthly, and there is an ordinance which requires him to make a monthly return to the Committee to Verify the Cash Account of the Treasury. I think that many of the mistakes or misunderstandings which have occurred in regard to this matter apply here. The ordinance of 1872 requires the heads of Departments to make monthly returns to the Committee of all moneys turned in, and it requires at the same time the Treasurer to make a return to the Committee of all moneys received from Heads of Departments, so that the Committee would be able to compare them, and ascertain whether they were right. If the Committee did not get the returns they would want to know why.

Q. How do you audit the accounts of the City Treasurer?

A. Well, it is done by Mr. Pue, and I would prefer that you should get the testimony from him.

Q. Do you have any check upon the City Treasurer, other than the receipts which he sends to you?

A. The City Treasurer makes a daily return under an Act of Assembly, under which he must set out the receipts from

EASTERN FROM ALL SOURCES.

# AMOUNTS PAID TO CITY TREASURER FROM ALL SOURCES.

YEAR, 1886.	COAL OIL LICENSE, WHOLESALE.			COAL OIL LICENSE, RETAIL.			REDEMPTION OF DOGS.			SALE OF COW, HORSE, AND WAGON.			FINES IMPOSED.			PAWNBROKER'S LICENSE.			THEATRICAL LICENSE.			GUNPOWDER LICENSE.		
	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.	Amount received.	Amount paid Treasurer.	Balance retained.
January.....	\$140 00	\$140 00		\$20 00	\$20 00					\$2 50	\$2 50					\$3,400 00	\$3,400 00		\$100 00	\$100 00				
February.....	80 00	220 00	130 00		150 00																			
March.....	60 00	280 00	230 00		380 00								\$4 76	\$4 76		500 00	5,900 00		100 00	200 00				
April.....	30 00	310 00	60 00		440 00	\$104 00		\$104 00					2 38	7 14	300 00	6,300 00			200 00	5 00			10 00	
May.....		310 00			440 00	148 00		282 00	\$13 25		\$13 25			7 14	200 00	6,700 00			200 00				10 00	
June.....		310 00			440 00	190 00		442 00						7 14	300 00	7,000 00			200 00					
July 1.....	10 00	320 00			440 00			442 00	13 25		13 25			7 14	300 00	7,000 00			200 00	10 00			20 00	
" 2.....		320 00			440 00			442 00	13 25		13 25			7 14	100 00	7,100 00			200 00				20 00	
" 3.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 4.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 5.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 6.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 7.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 8.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 9.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 10.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 11.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 12.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 13.....		320 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 14.....	10 00	330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 15.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 16.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 17.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 18.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 19.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 20.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 21.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 22.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 23.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 24.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 25.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 26.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 27.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 28.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 29.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 30.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 31.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
August 1.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 2.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 3.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 4.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 5.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 6.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 7.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 8.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 9.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 10.....		330 00			440 00			442 00	13 25		13 25			7 14		7,100 00			200 00				20 00	
" 11.....		330 00			440 00			442 00	13 25		13 25			7 14	14 28	7,100 00			200 00	500 00			25 00	
" 12.....		330 00			440 00			442 00	13 25		13 25			7 14	14 28	7,100 00			200 00				25 00	
" 13.....		330 00			440 00			442 00	13 25		13 25			7 14	14 28	7,100 00			200 00				25 00	
" 14.....		330 00			440 00	444 00		886 00	13 25		13 25			7 14	14 28	7,100 00			200 00				25 00	
" 15.....		330 00			440 00				13 25		13 25			7 14	14 28	7,100 00			200 00				25 00	
" 16.....		330 00			440 00				13 25		13 25			7 14	14 28	7,100 00			200 00				25 00	
" 17.....		330 00			440 00				13 25		13 25			7 14	14 28	7,100 00			200 00				25 00	
" 18.....		330 00			440 00				13 25		13 25			7 14	14 28	7,200 00			200 00				25 00	
" 19.....		330 00			440 00				13 25		13 25			7 14	14 28	7,200 00			200 00				25 00	
" 20.....		330 00			440 00				13 25		13 25			7 14	14 28	7,200 00			200 00				25 00	
" 21.....		330 00			440 00				13 25		13 25			7 14	14 28	400 00	6,800 00		200 00		\$25 00		25 00	
" 22.....		330 00			440 00				13 25		13 25			7 14	14 28		6,800 00							
" 23.....		330 00			440 00				13 25		13 25			7 14	14 28		6,800 00							
" 24.....	330 00	330 00		340 00	100 00		886 00	\$13 25	13 25		11 90		2 38	800 00	5,300 00									
" 25.....				100 00									2 38											
" 26.....				100 00									2 38											
" 27.....				\$110 00									2 38											
" 28.....													2 38											
" 29.....																								
" 30.....																								
" 31.....																								

\* Payment of Henry Stutz.

the several sources from which he gets the money. If, on a certain day, he has received from the Mayor so many dollars, then there would be a duplicate receipt from the Mayor. If they did not correspond then we would make an inquiry. So it is with the Magistrates. When a Magistrate comes and makes his return, he first has the Treasurer's receipt for the money paid in, and the next day the Treasurer makes his return of the parties who paid in so much, Magistrate so and so ; so that we know.



*Balances in Hands of Mayor's Department Outside of all Payments Made.*

1886.	Wholesale coal oil licenses.	Retail coal oil licenses.	Redemption of dogs.	Sale of cow, horse, and wagon.	Fines im- posed on officers.	Pawn- brokers licenses.	Theatrical licenses.	Gunpowder licenses.	Total.
January 31.....	\$140 00	\$20 00	.....	.....	.....	\$5,400 00	\$100 00	.....	\$5,660 00
February 28.....	220 00	150 00	.....	.....	.....	5,900 00	200 00	.....	6,470 00
March 31.....	280 00	380 00	.....	.....	\$4 76	6,200 00	200 00	\$5 00	7,069 76
April 30.....	310 00	440 00	\$104 60	.....	7 14	6,500 00	200 00	10 00	7,571 14
May 31.....	310 00	440 00	252 00	\$13 25	7 14	6,700 00	200 00	10 00	7,932 39
June 30.....	310 00	440 00	442 00	13 25	7 14	7,000 00	200 00	20 00	8,432 39
July 1.....	320 00	440 00	442 00	13 25	7 14	7,000 00	200 00	20 00	8,442 39
July 2.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 3.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 4.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 5.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 6.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 7.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 8.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 9.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 10.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39



*Balances in Hands of Mayor's Department Outside of all Payments Made—Continued.*

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1886.	Wholesale coal oil licenses.	Retail coal oil licenses.	Redemption of dogs.	Sale of cow, horse, and wagon.	Fines im- posed on officers.	Pawn- brokers licenses.	Theatrical licenses.	Gunpowder licenses.	Total.
July 11.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 12.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 13.....	320 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,542 39
July 14.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 15.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 16.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 09	20 00	8,552 39
July 17.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 18.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 19.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 20.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 21.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 22 .....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 23.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 24.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 25.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 26.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39

*Balances in Hands of Mayor's Department Outside of all Payments Made—Continued.*

1886.	Wholesale coal oil licenses.	Retail coal oil licenses.	Redemption of dogs.	Sale of cow, horse, and wagon.	Fines im- posed on officers.	Pawn- brokers licenses.	Theatrical licenses.	Gunpowder licenses.	Total.
July 27.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 28 .....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 29.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 30.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
July 31.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 1.....	330 00	440 00	442 00	13 25	7 14	7,109 00	200 00	20 00	8,552 39
August 2.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 3.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 4.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 5.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 6 .....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 7.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 8.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 9.....	330 00	440 00	442 00	13 25	7 14	7,100 00	200 00	20 00	8,552 39
August 10.....	330 00	440 00	442 00	13 25	14 28	7,100 00	200 00	25 00	8,564 53
August 11.....	330 00	440 00	442 00	13 25	14 28	7,100 00	200 00	25 00	8,564 53

## Balances in Hands of Mayor's Department Outside of all Payments Made—Continued.

1886.	Wholesale coal oil licenses.	Retail coal oil licenses.	Redemption of dogs.	Sale of cow, horse, and wagon.	Fines im- posed on officers.	Pawn- brokers licenses.	Theatrical licenses.	Gunpowder licenses.	Total.
August 12.....	330 00	440 00	442 00	13 25	14 28	7,100 00	200 00	25 00	8,564 53
August 13.....	330 00	440 00	886 00	13 25	14 28	7,100 00	200 00	25 00	9,008 53
August 14.....	330 00	440 00	886 00	13 25	14 28	7,100 00	200 00	25 00	9,008 53
August 15.....	330 00	440 00	886 00	13 25	14 28	7,100 00	200 00	25 00	9,008 53
August 16 .....	330 00	440 00	886 00	13 25	14 28	7,100 00	200 00	25 00	9,008 53
August 17 .....	330 00	440 00	886 00	13 25	14 28	7,200 00	200 00	25 00	9,108 53
August 18.....	330 00	440 00	886 00	13 25	14 28	7,200 00	200 00	25 00	9,108 53
August 19.....	330 00	440 00	886 00	13 25	14 28	7,200 00	*200 00	25 00	9,108 53
August 20.....	330 00	440 00	886 00	13 25	14 28	6,800 00	.....	.....	8,483 53
August 21.....	330 00	440 00	886 00	13 25	14 28	6,800 00	.....	.....	8,483 53
August 22.....	330 00	440 00	886 00	13 25	14 28	6,800 00	.....	.....	8,483 53
August 23.....	330 00	440 00	†886 00	13 25	14 28	4,500 00	.....	.....	6,183 53
August 24.....	330 00	100 00	.....	.....	2 38	.....	.....	.....	102 38
August 25.....	330 00	100 00	.....	.....	2 38	.....	.....	.....	102 38
August 26.....	330 00	100 00	.....	.....	2 38	.....	.....	.....	102 38
August 27.....	330 00	.....	.....	.....	.....	.....	.....	.....	.....

\* This does not include \$150 paid to City Treasurer, August 31, 1886, not in return.

† This does not include \$262 paid to City Treasurer, September 4, 1886, not in return.

*Oliver C. Bosbyshell*, being duly sworn, according to law, testified as follows:

By Mr. Roberts (Chairman) :

Q. What is your occupation ?

A. I am the Chief Clerk in the Controller's office.

By Mr. Bardsley :

Q. The City Controller a few moments ago stated he thought it was you who called the Mayor's attention in 1885 to the necessity of paying in the moneys which he had to pay. Have you any recollection of calling his attention to that ?

A. Yes, sir.

Q. When was it, about ?

A. It was preparatory to making up the statement of September 1, 1885. It was done sometime in July 1, 1885.

Q. In the latter part of the year ?

A. No ; in July, 1885.

Q. You are speaking now of last year ?

A. Yes, sir ; 1885.

Q. What did you say to the Mayor, or to whom you were speaking ?

A. Well, we have in our office a return clerk, and it is his business to keep an account of all the returns made from the various departments. He would occasionally report to me that some department was a little delinquent, or that that department has not paid up, and they ought to pay up faster. Then verbally we would call the attention of the clerks of that department to the fact that the returns were due. The same thing was done in regard to the Mayor's department. Mr. March's attention was called to it, and he promised that the returns would be made. We told him the importance of having in as much money as possible on the 31st of July so as to make the return to Councils as favorable as it could be made.

Q. This was in July of 1885?

A. Yes, sir; and I think it was done prior to that.

Q. Later in the year did you call attention to the necessity of paying the money in?

A. I do not recollect whether it was done in 1885 or not.

Q. Now, do you recollect any other matter in connection with this subject where you communicated with the Mayor's Department urging compliance with the law?

A. Yes, sir; I do. I think it was the third week in July that the Mayor's messenger was up at the office. I told him then; it was Captain Leabourn; he was there receiving some rolls or bills, or doing some business; I asked him if he would not please give the Controller's compliments to the Mayor and say that he had probably forgotten to make his return as he had promised, and tell him the importance of having it in before the 31st of July so that the statement would show more than \$2.50 paid by the Mayor's Department. Captain Leabourne afterwards reported to me before the 31st of July that he had told it to the Mayor, and that the Mayor had said that he would attend to it.

Q. Now, was there any other communication on the subject?

A. We had some communications with him by telephone, or with his office, when it was reported back that the Mayor would attend to it. That was the substance of the communications received. On the 31st of July I think, about, next—maybe about one o'clock I telephoned down, after consulting the Controller, because we always kept him posted about such things—telephoned to the Mayor's office telling him the return had not been made, and that our books would close that day, and that his Department would show but the payment of \$2.50 in the City Treasury, and that we did not think it would look very well. We asked him if he could not fix it up. The reply was that the Mayor was just getting ready to go to Atlantic City and had bundled up the papers, and would take them along and make his return immediately upon his return.

My recollection is that he said he would make a payment immediately on his return as of the 31st of July, so as to get in the statement.

Q. Do you recollect any other instance?

A. No, sir; I do not.

*Joseph W. Catherine*, being duly sworn, according to law, testifies as follows:

By Mr. Roberts:

Q. What is your business?

A. I am receiving teller in the City Treasurer's office.

By Mr. Bardsley:

Q. What are your duties?

A. I am the receiving teller in the City Treasurer's office.

Q. That is, you receive the moneys?

A. Yes, sir.

Q. From all the departments?

A. From all sources; whatever is paid into the City Treasury.

Q. Presume that the Mayor's messenger has come in with a payment; what do you do?

A. I receive the money and enter it into a receipt book, which he attests.

Q. Which he brings?

A. No; into our receipt book.

Q. Now, get your books and turn first to 1886?

(The witness here produces books.)

Q. What is your first receipt from the Mayor in 1886?

A. \$2.50 received.

Q. When?

A. February first.



Q. What was that for ?

A. The sale of a cow.

Q. What is your next receipt from the Mayor ?

A. On August 20, there was received \$400 for pawnbroker's licenses, and \$25 for gunpowder licenses.

By Mr. Clay :

Q. Now, next, give us the receipts as you received them ?

A. August 21, \$200 00, 8 amusement licenses.

“ 22, 2,300 00, 5 brokers' licenses.

“ 24, 13 25, bal. on sale of horse and wagon.

“ 24, 886 00, redemption of dogs.

“ 24, 11 90, fine of patrolmen.

“ 24, 5,300 00, pawnbrokers' licenses.

“ 24, 670 00, coal oil licenses.

“ 27, 2 38, fine of patrolmen.

“ 31, 150 00, theatrical licenses.

This is the total paid for 1886.

By Mr. Bardsley :

Q. Just show the Committee that book ?

(The witness here exhibits to the Committee the book to which he had been referring in giving the figures of the receipts from the Mayor's office).

Q. In this book you require the person paying the money to sign. For instance, here is a receipt (indicating a receipt). That is one of the payments by the Mayor, is it ?

A. Yes, sir.

Q. You require the signature of the Mayor's messenger ?

A. Yes, sir.

By Mr. Clay :

Q. On what date were the dog fees paid in ?

A. Redemption of dogs, on the 24th of August.

Q. Tell the Committee by whom the money was paid in ?

A. By John Humphries.

Q. Do you know him ?

A. No, sir ; I do not know him.

Q. Do you know what relation he occupies to the Mayor ?

A. I believe he is a messenger, but I do not know anything about him. He signed this book when paying the money into the treasury.

Q. In every case, when you receive any money from a department or from an individual, you fill up this receipt (indicating the book) ?

A. Yes, sir.

Q. It is signed by the Treasurer and also by the person paying the money ?

A. Yes, sir ; attested by the party paying the money into the office.

Q. So every dollar received in your department is attested by the person paying the money ?

A. Yes, sir,

Q. So that if you were hereafter to say we did not receive \$911.15 (indicating the receipt in the book), the signature of the person paying it would attest it ?

A. Yes, sir. They are supposed to read it and see that it is correct.

Q. Do you know any of the Mayor's messengers ?

A. No ; I cannot say that I know any of them personally.

Q. You read off the amounts that you had received from the Mayor during this year ?

A. Yes, sir.

Q. What did they foot up ?

A. \$10,071.03.

By Mr. Clay :

Q. We want to take \$150 off that, as we are only going up to the 27th of August. That would leave \$9,921.03 ?

A. Yes, sir.

Q. Those moneys were all received on the dates as you have received it ?

A. As they are entered in the book.

By Mr. Lawrence :

Q. The Mayor, in his statement to the Committee, says that by contract entered into with the Womens' Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals, etc.

(Mr. Lawrence here reads from the communication sent by the Mayor to the Committee on Saturday, the 4th instant, in relation to moneys received for redemption of dogs as being paid to his clerk, Howard March, and accounted for by the said March to the City Treasurer, etc.

Q. (Mr. Lawrence continuing his question after reading from the communication). Did you get any statement from Mr. March ?

A. No, sir. All I could tell was whether it was Mr. Marsh who presented it to us.

Q. It might have been sent in the same way as the other money ?

A. Yes, sir ; it might have been sent by a messenger. I could not tell you just how, but can tell you who brought the money.

Q. I simply wanted to know whether it was a separate thing, as the Mayor speaks in his communication about Mr. March sending it to himself.

A. I know nothing about it.

By Mr. Clay :

Q. On what date was it you received the fees for the redemption of dogs ?

A. On the 24th of August.

Q. Did you receive any moneys for that purpose on any other day in the year?

A. No, sir; that is the only item for the redemption of dogs.

Q. Do you remember whether the money was paid in cash or by check?

A. Sometimes the money was paid by check and sometimes in cash.

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*Robert M. Scott* recalled.

Examination by Mr. Bardsley.

Q. You have been asked to ascertain when the account of William B. Smith, Trustee, was closed?

A. Yes, sir. It has not been closed at all with us. It is transferred to what we call a sundry ledger. We sent notices to all the parties to close out.

Q. When was the last deposit made on that account?

A. (Referring to statement.) January 23, 1882.

Q. When was the last check drawn on that account?

A. November 11, 1882.

Q. Since then there has been no deposit made?

A. No deposit has been made since then. There is still a balance with us to that account.

Q. You are one of the receiving tellers also?

A. No, sir. I am not a receiving teller. I could tell, however, whether checks came to our place.

By Mr. Clay:

Q. (Check of McGarry and of Harvey and McGarry shown witness.) That one check is payable to the order of City Treasurer or bearer. We have been told that the word "bearer" was inserted afterwards. Could that change have been made in your bank?

A. It has not been made in our bank.

Q. Was the alteration on this check (referring to another of the checks) made in your bank ?

A. No, sir ; it was not. Those alterations on these checks were not made in our office at all.

Q. You would not receive these checks on deposit unless they had been endorsed as you there find them ?

A. No, sir ; we would not have received them.

By Mr. Lawrence :

Q. Would you receive these checks in that altered condition ?

A. Whether we would have received them in that altered condition ? We might have received them and seen whether the bank would pay them. If the bank had paid them, we would certainly have thought them all right.

Q. The check shows on its face that it has been altered ?

A. I see it does.

Q. Would your receiving teller receive a check when it had been altered, and showed so palpably that it had been altered, as these checks show ?

A. We might do it to oblige a depositor.

Q. You would not pay a depositor money on a check altered like that ?

A. No, sir.

Q. But you would receive it and place it to the credit of a depositor ?

A. Yes, sir ; with that understanding, that if the bank paid, it would be all right.

Q. You think that check went into your bank in that altered condition ?

A. I do not know about that.

Q. Who could say so ?

A. I do not think any one could say so.

Q. What I want to get at is to find out whether that check when it was presented at your bank was in that altered condi-

tion,—whether it was altered after leaving the hands of his Honor, the Mayor, or was altered before it left his hands?

A. We could not tell that.

Q. The question might arise that the check was altered after it had been paid by the bank and come back to the drawer.

A. Very true, it might; we could not tell.

By Mr. Bardsley:

Q. Do you remember deposits made to the credit of the Mayor?

A. Yes, sir.

Q. Large amounts?

A. Yes, sir.

Q. Do you remember what they consisted of?

A. (Referring to deposit slip.) On August 24th there was the largest deposit made of \$6070. I think that was the largest one.

Q. What did that consist of?

A. Five thousand six hundred and seventy dollars in bank check of \$100, and one check of \$300.

Q. What were the checks?

A. I cannot tell the checks until we looked up our old deposit tickets, which would take about an hour.

Q. What was the next largest deposit?

A. Next largest was \$2,000. I did not bring that slip; I was told to bring this.

By Mr. Clay:

Q. What is that paper you have in your hand?

A. That is the deposit slip of August 24.

(The paper produced by the witness—being the account of “Wm. B. Smith, Trustee,” was as follows:



*William B. Smith, Trustee, in account with the Fidelity  
Ins., Trust and Safe Deposit Co.*

DR.			CR.		
1881			1880		
April 17	To check.....	\$100 00	Dec. 8	By cash.....	\$135 00
1882			1882		
May 16	" .....	115 00	May 6	" .....	180 00
17	" .....	75 00	June 23	" .....	20 00
Nov. 11	" .....	21 00			
1886					
Sept. 6	Balance.....	24 00			
		\$335 00			\$335 00
			1886		
			Sept. 6	By balance.....	\$24 00

At this point in the proceedings, upon motion of Mr. Clay, the Committee took a recess for one hour.

AFTER RECESS.

The Committee re-assembled pursuant to the order for a recess, and there being no other witnesses present to examine, upon motion of Mr. Iseminger, the Committee adjourned to meet to-morrow, Tuesday morning, September 7, 1886, at 10 o'clock.



# THIRD DAY.

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## SELECT COUNCIL CHAMBER.

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PHILADELPHIA, *September 7, 1886.*

The Committee re-assembled at 10 o'clock A. M., this day, in the Chamber of Select Council, pursuant to adjournment.

Present:—Mr. Roberts in the Chair; Mr. Eckstein, Clerk, and the following members of the Committee—Messrs. Edwards, Bardsley, Iseminger, Claridge, Clay, Reinstine, and Lawrence, President of Common Council; of Counsel—Mr. Warwick, the City Solicitor; Messrs Earle, Brightly, Ruddiman, and White, as representing the Mayor.

Mr. Roberts, Chairman. I desire to say that it is the sense of this Committee that the Mayor should be heard personally, or by Counsel and by such witnesses as he may designate, and the Committee desire that he shall be so heard to-morrow morning at 10 o'clock. It will give the Chair pleasure, as representing the Committee, to issue orders for any subpoenas desired by the Mayor or his Counsel.

Mr. White, of Counsel for the Mayor. I want to say a few words in answer to what has been just said by the Chairman of the Committee, which has taken us somewhat by surprise. A few thoughts occurred to me while the Chairman was speaking, which, without consultation with my client, I will express. When this Committee commenced its labors,

one member of it announced that it was the desire of the Committee to know what the Mayor had to say about the charges made against him, and intimated that if a statement came from that source it would be investigated, and that it might not only assist the Committee in their labors, but perhaps dispense with any further proceedings. Upon that intimation the Mayor made a full statement, which was furnished to this Committee, relative to the facts involved, and giving the names of persons who could establish or refute them. That answer of the Mayor was submitted to this Committee. At that time we were invited to take part in this investigation, and we proposed so to do. But that answer, to our surprise, instead of being the first thing taken up and investigated, seems to have been ignored up to the present time. In place of calling the Mayor before you and interrogating him, and in place of calling the witnesses whom he announced had full cognizance of the facts, this investigation has proceeded on a different line. The very first time that one of the Mayor's counsel attempted to exercise the right we were invited to exercise, of testing the accuracy of a witness who had been called, we were stopped and informed that this was an *ex parte* examination. Now, I desire to say that I am not finding fault with the Committee for taking that view. I do not say but that they are right in asserting that this is an *ex parte* investigation, but I do desire to say that, in my judgment, it would be a farce, after the Committee has proceeded so far in its labors upon the line of an *ex parte* investigation, shutting out the party from all his rights whatever, to turn around now and attempt to turn the investigation into a judicial examination, and ask the other side to come in and make a defense just the same as if we had been permitted to do so from the very first. If the Committee will allow me to make a suggestion as to what seems to me to be regular and proper, I will say this, this is an *ex parte* investigation, as you have announced; but when I look upon the membership of the Committee I see men who I believe to be fair, impartial and judicial. I see men upon the Committee

whom I am confident, in any investigation of this kind, will scorn to allow personal enmity or personal prejudices to influence them in their proceedings. To those men I appeal, and to them I say, that having invited the Mayor to make a statement, that upon them it lies to call the Mayor before them and to call the witnesses whom he has named and to investigate their statements, to hear what they have to say in the same way as other witnesses have been called who were named or presented by one whom it is unnecessary for me to state. You are here to discharge a duty, and one of the most solemn that was ever put upon the same number of gentlemen. I ask you to discharge it fairly, and to call the chief official of this city, the representative of this great city, before you, if you have any doubts as to the truth of his statement, and to call the witnesses, whose names he has given you, just as you have called other witnesses whose names have been furnished you through other sources. Of course, I do not propose to bind my client without consultation, but it does seem to me that this is the only regular course for the Committee to pursue. It would not have been possible for us, after we were told it was an *ex parte* investigation, to come in and place ourselves before this community as a party having a fair hearing. You cannot, after half the case is tried, and after a fair hearing to the other side has been denied, ask us now to come in in the way suggested. The Mayor has tendered himself to you; he has announced that he is within the call of the gentlemen of this Committee, and on you is the responsibility whether you call only one side or whether you call both.

Mr. Bardsley :—Mr. Chairman, if I properly understood the opening remarks of Mr. White, they were to the effect that it is for the members of this Committee to intimate that they have a desire to hear anything that the Mayor may have to say, either in person, or through witnesses. The object of the announcement you made was just that, nothing more or less, that the Mayor should be invited by this Committee, and requested to give this Committee the names of any persons he desired to

have called in connection with this subject. He may come himself if he so desires and submit himself to such examination, as the Committee may see proper. He may not come. He may send the names of his witnesses and we will examine them. If I understood Mr. White aright, he said, that upon the invitation of this Committee the Mayor presented himself through the communication presented by Mr. Ruddiman, and in that communication he gave the Committee the facts and the names of the parties, who would support those facts. It was on my own motion that an invitation was extended to the Mayor to make any communication he might see proper to make and I used these words: "In common with others I have seen it stated in the papers that his Honor, the Mayor, has frequently said that the charges which the Clerk has just referred to were not true. It has always been customary, when Committees of Councils were investigating Departments of the city, to first hear from the party charged; because, perhaps, his explanation may be entirely satisfactory, and save the time of the Committee as well as the time of the witnesses. Cases have occurred where the explanations were entirely satisfactory. In order that his Honor, the Mayor, may have an opportunity now, before we commence the examination of witnesses, I would suggest that you invite the gentlemen who represents his Honor to make any statements looking to the refutation of the charges that they in their judgment may deem proper." Thereupon Mr. Ruddiman thanked the Committee and handed in the communication. In that communication the Mayor makes no request for the examination of witnesses. He says, not in the communication, nor by word of mouth, but through his counsel "I stand ready to come if you desire me." There is nothing in the communication throwing a particle of light upon the charges except an admission of the amount of money he had already paid into the City Treasury. He admits other matters that have since been proven to be true. Now, this Committee, at one of its sessions determined that this should be an *exparte* hearing. Acting under the advice



of counsel, it was deemed unnecessary to prolong the investigation except sufficiently far enough to determine whether there was a *prima facie* case made out, and if there was, to make a report to Common Council that articles of impeachment should be drawn against his Honor, the Mayor. If those articles should be drawn and presented to Select Council, then according to law and correct practice, the Mayor would have an opportunity for cross-examining all witnesses just the same as in a court of justice. As I understand it, we are sitting practically as a grand jury. But we are not bound by rules of law or evidence, but bound by what you might call common sense. The investigation has reached a point now when we have passed the resolution that you, Mr. Chairman have announced. We are now ready to hear the Mayor in person, or by any witnesses whose names he may give to you to be subpoenaed before the Committee. For one, it shall never be said of me that anything in my power shall be avoided that anything shall be done to prevent the strongest refutation of the charges that have been submitted to this Committee, and that the witnesses have been called to present. I do not want the Mayor, or his counsel, to dream, for a moment, that this Committee will shut their eyes, or refuse to listen to anything or everything that may come from his Honor, the Mayor. His communications and witnesses shall be treated with the same courtesy, the same care, the same respect as the witnesses that have already been presented before this Committee. The names of the witnesses were given to us, and they were subpoenaed, and they have been examined. Now, let the Mayor, or his counsel give to you, sir, the names of any witnesses he may desire to have examined, and we will examine them as well as we may be able. Not as well as if this thing comes to a trial before Select Council, because then they will be cross-examined by experts, by members of the Bar, learned in the law, and not in the poor way we are trying to do it. Now, perhaps we ought to apologize for the crude, and perhaps irregular manner in which the

examination has been conducted, but we want it distinctly understood, that while we may be irregular in our examination, we desire to get at the bottom facts, and that they will govern this Committee to the exclusion of every other motive.

Mr. White: The member of the Committee who has just sat down said that this Committee is acting as a grand jury. He may be right, as a grand jury is a body who listens to witnesses subpoenaed against a man, and don't listen to those in his favor. But I don't think that this Committee means to intimate what the gentlemen himself shows that he don't mean. He does admit that this is an *ex parte* investigation. The invitation now made, that we shall furnish a list of the persons who know the facts, is a different one from what I first understood. When the Mayor furnished in his answer the names of men who received those moneys, or those checks, who had charge of them, he thought that he had furnished the names of persons who would at once be called. If the invitation is that he will furnish the names of persons who are cognizant of the facts, I think it will be received with the utmost thankfulness, both by the Mayor and his counsel, and that such a list will be furnished. Of course, neither the Mayor nor his counsel can take the position of having a full hearing before the Committee, when that has been already denied. We are not quarrelling with the Committee about it, but we say that you must take one line or the other, and proceed with the investigation in your own way. You are, of course, disposed to do it fairly. That is to say, the responsibility is upon you to show that you are investigating both sides fairly. We cannot, in the first place, however, be told that we have nothing to do with the examination; that it is *ex parte*; and be told, in the second place, that we should put ourselves in the position of having it said that we had a full and fair hearing. I will submit the proposition now made to my client, and I have no doubt that a list such as the Committee now seem to desire will be furnished. Of course the witnesses are to be called by the Committee, and not by us.

*William B. Spittall*, being duly sworn according to law, testified, as follows :

Examination by Mr. Roberts (Chairman) :

Q. Did you serve eertain subpoenas for the Committee?

A. Yes, sir; I did.

Q. Were they served by you personally?

A. Yes, sir.

*Howard March*, being duly sworn according to law, testified as follows :

Examination by Mr. Roberts, Chairman :

Q. What is your business?

A. Clerk for the Mayor.

Q. Did you ask to be called before this Committee to make a certain statement?

A. I requested to be called before the Committee as a witness. I was writing a letter for the Committee when I received the subpoena yesterday morning abou ten o'clock.

Q. The Committee will be pleased to hear any statement you may desire to make.

A. I want to make a statement in reference to the reception of the moneys I have taken in since I have been in the department. In doing so I will begin at the beginning. When I was appointed to the position I hold now, by the Mayor, not having held a political position before, and knowing nothing about the duties of the office, I called upon, on two or three occasions, or visited, my predecessor in office, who explained to me the mode of conducting the business, and everything that he could, kindly, amongst which things he touched the question of money. He said that there were

always occasions requiring the expenditure of money in the office, and that it would be well always to have money on hand to meet the incidental expenses of the department.

Q. Who was this man ?

A. My predecessor ? A gentleman named Mr. Jackson. I explained to him that I was not the possessor of very much money, and he said that I should follow the precedent of some others, and in regard to the paying of that over, there was no specified time for doing it, and that I could use the money for the incidental expenses of the department. I received certain moneys in 1884. I made a return of certain moneys to the City Treasurer in '84, but all the moneys received by me in '84 was not all paid in in '84.

Q. That is, it is still in your hands ?

A. Yes, sir.

Q. You have now in your hands certain moneys which have not been paid in of '84 ?

A. Yes, sir.

Q. Received on behalf of the city ?

A. On behalf of the city ? Yes, sir. In '85 I received certain moneys, and a portion of that money is still in my hands.

By Mr. Clay :

Q. You are speaking now of '85 ?

A. Yes, sir ; the money has been used, or a portion of it, for the incidental expenses of the office. I cannot tell exact amounts. The warrant drawn to my order in '84 reached over \$600, I think it is, and in '85 over \$800, and this year, so far, it is something over \$300. The money I have on hand now, not returned, is in my fire-proof safe, where it has been always, except when some of it was paid out for incidental expenses. Then I would draw a warrant for the amount in my own name, and send it to the Controller, and when I got the warrant back, I would pay it into the account, so as to

keep that incidental account thoroughly. It has never been out of the proof except on these occasions. I have now \$1,030 in my possession in my fire-proof safe. I hold it there because I thought it was a more proper place; because, if I deposited it before coming here and setting myself right before the committee—I thought it was better to hold it rather than to deposit it, and having the criticism before my explanation was given.

Q. As I understand it, then, it takes a certain amount of capital to run the department, and you used that money for that purpose, instead of waiting for the money to come in?

A. No; instead of using my own personal money.

Q. And then it would be paid back?

A. Yes, sir. There are always express packages that come into the office, and there have to be purchases of stamps, which amounts to considerable, and then there are the monthly newspapers, and we get bills monthly.

Q. You have to pay cash for these things?

A. Yes, sir.

Q. And you advanced the money?

A. I advanced it out of those funds.

Q. Have you any further statement to make?

A. Well, I want to say in reference to not turning that money in when I turned in the money for 1886—I can only say as I told you a few minutes ago, I did not return it because I thought it was more just to myself to come here and to make this explanation rather than to deposit that money and raise a criticism against myself, when I would not have the opportunity to make a personal explanation.

Q. Where did you turn in the money?

A. To the Treasurer direct.

Q. Not to the Mayor?

A. The Mayor has never known anything personally about my accounts.



Q. How about the redemption of dogs ?

A. That is the money I am speaking of.

Q. Does that cover all ?

A. Yes, sir. There is very little other money received—some police fines have been turned in.

Q. Have you a statement of the receipts of those moneys ?

(The witness here produces several small books.)

By Mr. Bardsley :

Q. How much have you in your possession now ?

A. One thousand and thirty dollars.

Q. You have closed up the accounts for 1886, and have something of 1884 and 1885 ?

A. Yes, sir.

Q. Is there any agreement with the dog-pound people in relation to the collection of the moneys from them ?

A. There is a contract entered into every year by the Womens Branch of the Society for the Prevention of Cruelty to Animals and the City of Philadelphia, and one of the items of the appropriation reads \$3500 for taking up and killing dogs. I do not think those are the exact words, but that is what it means.

Q. Who has that contract ?

A. The Womens Branch of the Society for the Prevention of Cruelty to Animals.

Q. You have not got the contract ?

A. No. I have a certain copy here which I found when I went into the office. I found this copy there. It was in the office when I took possession, and I judge they are all alike.

(The witness here produces the following paper :)

WHEREAS, By Ordinance of March 11, 1871, the Mayor of the City of Philadelphia was authorized to enter into a contract with "The Women's Branch of the Society for the



Prevention of Cruelty to Animals," or any other Society or parties for the taking up, killing, and removing all dogs found running at large in the City for the year 1871.

AND WHEREAS, It was also made the duty of the Mayor in the month of December of each year thereafter to enter into a contract with some society or parties for the same purpose, providing the appropriation was made.

AND WHEREAS, By Ordinance approved February 12, 1872, the Mayor was authorized to enter into such contract for the then current year, and that thereafter he should have the power to enter into such contract at any time afterwards, when such appropriation is made.

AND WHEREAS, Such appropriation was made for the current year upon the                      day of                      , A. D. 187 .

*Now, therefore,* It is agreed by and between "The Women's Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals," party of the first part, and the City of Philadelphia, party of the second part, as follows, viz.:

The said party of the first part. in consideration of the covenants hereinafter contained on the part of the said party of the second part, covenants and agrees to seize, take up, secure, and safely convey all dogs found running at large in the City of Philadelphia in violation of any of the laws or ordinances of the said City during the present year, to wit: until the 31st day of December next, inclusive, and the said dogs safely to convey to their premises, situate on the Lamb Tavern Road, in the Twenty-eight<sup>h</sup> Ward of the City of Philadelphia, commonly known as the Dog Pound, and said dogs, if not redeemed within the term and in the manner by law prescribed, then and there to kill and to remove and dispose of the carcasses of said dogs so as aforesaid killed by them in such manner that no public nuisance shall be created thereby. And the said party of the first part further agrees and binds itself to

furnish, employ and pay the requisite and usual number of men, and to provide the horse, dog cart, and all the necessary and usual apperatsns required for the purpose of capturing, keeping, conveying, and killing the said dogs, the City to be in no event liable for the pay of said men, or for the horse, cart, or apparatus, aforesaid, or for any expenses connected therewith. And the said party of the first part further agrees and binds itself to pay over all moneys received by it for the redemption of such of the aforesaid dogs as may be redeemed according to law, to such officer or officers as the Mayor of the said City may designate.

And the City of Philadelphia, party of the second part, in consideration of the faithful performance by the party of the first part of the covenants and stipulations above mentioned and set forth, agrees to pay to the said party of the first part the sum of three thousand dollars in City warrants, drawn according to the ordinances of said City, to be paid in twelve equal monthly instalments of two hundred and fifty dollars each.

*In witness whereof*, The said party of the first part hath hereunto affixed its corporate seal, properly attested by its President, and the seal of the City of Philadelphia hath been hereto affixed, properly attested by the Mayor of said City this        day of        , Anno Domini one thousand eight hundred and seventy.

Signed, sealed, and delivered  
in the presence of us,

By Mr. Clay :

Q. You say that all the moneys you received were for the redemption of dogs and for the fines of policemen ?

A. Yes, sir.

Q. How much money did you receive for the redemption of dogs in 1884 ?

A. \$1,140 was the total.

Q. How much of that have you turned into the City Treasurer?

A. \$810.

Q. How much did you receive for the redemption of dogs in 1885?

A. \$1,784 was received.

Q. How much did you pay in?

A. \$1,084.

Q. In 1886 how much did you receive?

A. Up to the present time \$1,148.

Q. How much have you turned in?

A. \$1,148.

Q. Then you have turned in this year all you have collected?

A. I turned it in the day after the City Solicitor gave his opinion.

Q. From what other sources did you receive money in 1884?

A. \$37.34 for some goods sold by Thomas & Sons, at auction.

Q. Was that turned into the Treasury?

A. Yes, sir.

Q. When?

A. On the 8th day of August.

Q. In what part of the year did you collect it—when did you receive it?

A. The \$34?

Q. Yes; the \$37.34.

A. It was about two or three weeks before I turned it in.

Q. Did you receive money from any other sources in 1884?

A. Not in 1884.

Q. From any other sources in 1885?

A. I was handed \$30.94 for police fines. That was returned on December 18th.

Q. When did you receive that money ?

A. I have no record of the fines I received.

Q. That you paid into the City Treasury in 1885 ?

A. Yes, sir ; December 18th.

Q. Were there any other moneys you received in 1885 ?

A. Not in 1885.

Q. What did you receive in 1886 outside of the moneys for the redemption of dogs ?

A. \$14.28 for police fines.

Q. Anything else ?

A. Yes, sir. Sale of cow, \$2.50, and sale of horse and wagon, \$13.25.

Q. Anything else ?

A. That is all.

Q. Has that all been turned into the City Treasury ?

A. Yes, sir.

Q. When did you turn this money or fines, and the money for the redemption of dogs, into the City Treasury ?

A. On August 24 I returned \$886, all there was on hand at that time.

Q. How did you pay that, by cash or check ?

A. In cash.

Q. You have stated to the Committee that your reason for retaining the money in your possession was to meet the incidental expenses of the office ?

A. That was the reason.

Q. Why were you compelled to use it ?

A. I was not compelled to use it, but it was to help or save my own.

Q. What necessity was there for using your own ?

A. Well, goods have got to be purchased. For instance, if the office requires \$30 or \$40 worth of stamps—that cannot be had without the money.

Q. You have knowledge of the fact that Councils appropriated money for the incidental expenses of the office ?

A. Yes, sir ; that is where the money comes from ultimately to reimburse these moneys ; I draw bills against Item No. 23 for incidentals in my own name, and send them to the Controller and get the warrants.

Q. Then you mean to say to the Committee that this was your practice, to use the money which came into the office, and which should have been turned into the City Treasury, for the purposes of the office, and reimburse those moneys by drawing warrants against Item No. 23 for incidentals of the office ?

A. That is about the thing.

Q. And you still have in your possession moneys collected as far back as 1884 ?

A. 1884 and 1885, amounting to \$1,030.

Q. Now you said to the Committee that as soon as the City Solicitor said that it was your duty to pay the money in you turned in the money for 1886 ?

A. I did.

Q. Why didn't you turn in the money you had received in the preceding years ?

A. I will have to plead ignorance of the existence of an ordinance requiring the return of money on any specified date. I never read it except when an article appeared in the paper on a Sunday, in which the law was quoted. I got thinking of it and on the following day, on Monday, I had a personal friend, a confidential friend of mine, who came into the office, and I took him to one side and explained to him the situation, and I said, "What would you recommend me to do—to turn this in now, or would you recommend me to hold it?" I gave him my views, that if I paid it in at that time it might create an unfavorable opinion of me, and that I would not have an opportunity at that time to answer. We talked some time, and he said that it was his idea that something would come of this, and that he would recommend me to hold it until such time as I could make an explanation for myself.



Q, You merely turned in the money you had received for 1886, and retained the moneys for 1884 and 1885, until an opportunity offered to make a personal explanation, such as you are making now ?

A. Yes, sir ; I want to put myself right, because I have not done anything which seemed to me dishonest ; possibly I may have, and I know now that I have broken the law, but there was nothing dishonest in my doing it.

Q. Where were all these moneys kept all this time ?

A. In my fire proof safe.

Q. Were they there at all times ?

A. At all times, except when drawn out in these small amounts for the running expenses ; as soon as the money would come back in the shape of warrants I would have them cashed, and then it would be made good.

Q. Well, you knew that the only way in which to pay for the incidentals of the office was by warrant drawn against the proper item ?

A. Is not that it ?

Q. No. It was your duty to turn into the Treasurer any money you received, and if you needed anything for the purposes of the office of an incidental character it should have been paid for by warrant against Item 23.

A. If I would make out a bill for a certain amount of money would the Controller countersign the warrant ?

Q. Yes ; if it was accompanied by the bill.

A. That may be ; but they wont trust you for stamps and such things that you want in the office.

Q. I know that so far as stamps are concerned that you require cash and do not get a bill. But as to the other goods that are procured for the office ?

A. There are some things that we could have got, I suppose, in that way. There is no doubt about it. But I never gave it a thought. I conducted it myself in the same way. I did not think that I was doing any harm, and I knew that the city was losing nothing by it.



Mr. Bardsley: I understood you to say that when you read the City Solicitor's opinion you paid over to the City Treasurer the receipts for '86?

A. I did.

Q. If the City Solicitor had not given that opinion, when would you have paid that over?

A. I cannot say. We knew that the City Solicitor's opinion had been asked for, and I therefore waited for it.

Q. But suppose it had never been asked for?

A. But it was asked for?

Q. When did you intend to pay this money over to the City Treasurer?

A. Do you mean, provided that there had been nothing of this investigation?

Q. Yes, sir.

A. I would have returned it as I always did.

Q. Did you say that you never have returned it all?

A. No; because that was the capital I was working on for the office.

Q. When would you have returned it?

A. Before the expiration of my term. I cannot say when.

Q. Now, when you read the City Solicitor's opinion, which moved you to pay the moneys in immediately for '86, why didn't it move you to pay the moneys in for '84 and '85?

A. As I have explained, after taking the advice of my friend, I thought it better to hold it and make a personal explanation to the Committee, or whoever was appointed, rather than have myself criticized before the explanation was given.

Q. You were afraid it would hurt you?

A. No, sir.

Q. Or that there would be some reflection against you?

A. After thinking of it, I thought that perhaps there might be some reflection.

By Mr. Iseminger :

Q. You did not like to turn it in under fire?

A. I did not say that.

Mr. Bardsley :

Q. You thought you had better wait until you had an opportunity of making a public explanation ?

A. Yes, sir ; yesterday I had prepared a letter to the Committee, asking them to give me an opportunity to make an explanation when I was subpoenaed by your messenger, Mr. Johnson.

Q. Now, the Mayor did not know anything about this ?

A. The Mayor knew nothing of this business whatever.

Q. The Mayor was entirely ignorant of this irregularity of yours ?

A. Entirely so, if you call it an irregularity.

Q. You never consulted him as to the propriety of keeping this money on hand ?

A. No, sir ; I looked at that as one of the minor rules of the office.

Q. It was too small a matter to trouble him with ? You did not like to bother him with talking about it ?

A. I cannot say that I did not like to bother him. That is not the word.

Q. You did not think it worth while to let him know about it ?

A. I took it as one of the routine duties of the office. I thought it was all right.

Q. And he knew nothing about the irregularity ?

A. He knew nothing about it.

Q. So that he is innocent of that ?

A. He knows nothing of my accounts, as I have explained here to-day, and does not know about it to-day.

Q. When did you buy these books? (Referring to books already produced by witness.)

A. The small ones were purchased in the years when the entries are made.

Q. But they look new?

A. Because they have been but little used. They have been in my fireproof safe.

Q. You thought it better to have a book for each year?

A. I thought so. I always kept each book separately, the same as the Department Ledger.

Q. Look at these entries (indicating entries in books), when did you make them?

A. I cannot tell you the dates of them. I received these moneys in a lump from the superintendent of the dog pound.

Q. When did you receive these moneys?

A. On the dates set opposite to them.

Q. When did you put them down in the book?

A. Now I will explain the system I had. As a rule this money would be received by me in the middle of the day. That is the busiest time in the office. Whatever money there was I always took it and placed it in an envelope, and put on the front of it what it was for, together with the date and the amount, and then I put it in the fire proof safe. I would enter it perhaps that night, or perhaps not for a couple of nights, or a couple of weeks. It laid there in the safe.

Q. Don't you think that these entries were all made at one time, with the same pen and same ink?

A. I know they were not.

Q. Don't it look so?

A. Not to my eyes, because I know they were not.

Q. You have some experience in writing I presume. Look at the entries in that book (indicating a book), don't they look as if they were made with the same ink and the same pen, and the same pressure—don't they have the same general appearance, as if made at one time? But you say they were

not so made—that they were only made on the dates set down?

A. I did not say on those dates. It may have laid in the safe a couple of weeks.

Q. But in a short time afterwards—a week or a couple of weeks?

A. Yes, sir.

Q. They were not all made at one time?

A. No, sir.

Q. Is this the 86 book? (indicating book.)

A. Yes, sir.

Q. It is balanced I see?

A. Yes, sir.

Q. What are your duties in the office?

A. To superintend the clerical work of the department, to see that it is done correctly, to make out the warrants for the police officers; to find if the rolls of the Police Department are correct, and to pass miscellaneous bills; to receive them, and to draw up the schedule specifying the respective items.

Q. Do you keep the appropriation book?

A. I do.

Q. Then you are practically the Chief Clerk?

A. That is the title of the position I hold.

Q. Then, it is your duty when a policeman is fined to collect that fine?

A. No, sir.

Q. Who does that?

A. It comes through the office of the Chief of Police. I know nothing of it until it is handed to me.

Q. Do you keep any record of it?

A. None whatever.

Q. Not until you receive it?

A. Not until I receive it.

Q. Now, turn in that account to any one year—take eighty-four first. What was collected in that year for fines?

A. None in eighty-four. The system was not inaugurated until eighty-five.

Q. Well, take eighty-five. How much was collected for fines in the year eighty-five?

A. Thirty dollars and ninety-four cents.

Q. That is all the fines of the entire police force of the City of Philadelphia for that year?

A. To the best of my knowledge and belief.

Q. Now for 1886, how much has been collected on that account?

A. Fourteen dollars and twenty-eight cents has been returned.

Q. So far this year?

A. Yes, sir.

Q. For the entire police force of the city?

A. That is what has been returned to me.

Q. The lieutenants collect the fines and hand the money over to the Chief?

A. I do not know anything about the system.

Q. Who levies the fines?

A. I do not know; that comes in the office of the Chief of Police; I have nothing to do with the force, except what I have said.

Q. Whenever there are assessments of the police force, do you collect that money?

A. I never knew of an assessment.

Q. Whenever there are contributions asked of the men, do you collect of them?

A. Not of the men individually.

Q. You collect then of the lieutenants?

A. There was one occasion when the contributings of persons of the Department were handed to me.

Q. Now, sometime ago the police force were armed with new revolvers, and every man got a new revolver at a cost of some \$8 or \$9 apiece?

A. I don't know the cost. I know they were armed with new revolvers.

Q. Who collected the money for that?

A. I have not the slightest idea.

Q. You do not know?

A. No, sir.

Q. You do not know anything about it?

A. No, sir.

Q. You know that they got them?

A. From hearsay of the officers in my own district, and other officers I know it.

Q. You do not know who paid for them, or how they were paid for, or whether they are paid for?

A. I know nothing about them.

Q. Your duties as chief clerk would not bring you into contact with that part of the business?

A. That belongs to the office of the chief of police thoroughly. I have nothing to do with that office.

Q. You have no connection with it at all?

A. No, sir.

Q. Except to receive whatever money is handed to you in that way?

A. That is all.

Q. Now, after making your explanation to the Committee, it is your intention to pay over that money to the City Treasurer immediately?

A. If I had my way it would be in the office in half an hour. I will do whatever you tell me to do. I have made the explanation.

Q. It is one thousand and thirty dollars?

A. Yes, sir.



Q. What does that sum represent ?

A. It is from redemption of dogs.

Q. All dogs ?

A. It came out of that. The other small items have been returned.

Q. Then the \$1,030 belong to the money collected from the redemption of dogs ?

A. That is where I got it from.

Q. So, in being returned to the City Treasury it would be returned to that account only. It represents the receipts under this agreement (indicating the agreement between the City and the Society for the Prevention of Cruelty to Animals, already introduced by the witness) ?

A. Yes, sir ; the other moneys have been returned and accounted for.

Q. Except this balance ?

A. Yes, sir.

Q. And this balance belongs wholly under this contract, (referring to the agreement) ?

A. Yes, sir.

By Mr. Clay :

Q. Who makes the bank deposits for your department ?

A. To the best of my knowledge the department has no bank deposit.

Q. Who has been making the deposits to the credit of Wm. B. Smith, the Treasurer ?

A. I have not the slightest idea. I have nothing to do with any moneys excepting these.

Q. Cannot you tell us what subordinate of the office is charged with the duty of carrying to bank the deposits ?

A. I don't know ; I never saw the Mayor make a deposit in my life, nor any one in the office ; my room is separated from his by two rooms.

By Mr. Bardsley :

Q. Your office is the one to the side ?

A. Yes, sir.

Q. And it does not bring you into contact with the thoroughfare through the office, so that Major Linton could come and make deposits without your knowledge ?

A. My office is here (indicating a position), and Major Linton's is there (indicating another position).

Q. Your duties are entirely separate from that office ?

A. Entirely separate.

Q. Do you keep a bank account ?

A. No, sir.

Q. Did you ever ?

A. I never did.

Q. What acquaintance have you with the payrolls of the Department—what have you to do with them ?

A. The payrolls come to me about the twentieth of the month.

Q. From the lieutenants ?

A. Yes, sir ; each lieutenant has his payroll made out ; they come to me about the twentieth of the month with the names of the men on, to enable me to make out the warrants.

Q. What do the pay rolls contain ?

A. The names of the men in the department.

Q. Nothing else ?

A. No.

Q. Not the time ?

A. Not then. They are sent back, and then the time is put in, and they are returned toward the last part of the month, or perhaps before that, and the time is in.

Q. But you cannot fill up the warrants until the last of the month ?

A. Not until the last of the month. But the name of the party is in already. They go back then to have the time put

in. The calculations are made by the lieutenants. The man's time is taken—the number of days he has made—and then the calculation is made in dollars and cents. They make the calculations when they make out the rolls, and they come to me and I verify them; so that they are correct.

Q. Then you fill in the amount of the warrant?

A. Yes, sir.

Q. What do you do with the warrants?

A. Send them to the Controllea in bulk to countersign; then they are returned to me, and then I deliver them over—the warrants of every district to the lieutenant, and take his receipt for them.

Q. You take his receipt in bulk?

A. In bulk for the district warrants.

Q. Are you conversant with the names of the men on the pay-rolls?

A. The personel of the pay-rolls, I don't know. I don't suppose that I know 50 of the men in the City. Each district is allowed so many officers, and those officers can make so much time in a month. I verify the rolls—see that the accounts are not overdrawn.

Q. Those warrants are charged up against Item 10?

A. Yes, sir.

Q. At the end of last year, can you remember what the balance was to the credit of that item?

A. I cannot tell you now without reference.

By Mr. Clay:

Q. You said you had never received contributions from any of the men?

A. I said personally from any of the officers.

Q. Have you received contributions or assessments from the lieutenants?

A. I never received any assessment. The department never had any.

Q. What about contributions—have you ever received them ?

A. I have had some moneys contributed, handed to me.

Q. By whom ?

A. Well, by some of the parties in the office, together with some of the lieutenants.

Q. Did you receive any money as contributions from the lieutenants in 1885, as coming from their districts ?

A. That I really cannot say positively.

Q. When can you recollect that you did receive any ?

A. From some persons in the department. A great many of them, the same as myself, make contributions for the elections, which I think it is right for any man to do. He has his position, and he ought to contribute to the party.

Q. But I mean from the entire force ?

A. I don't know that the entire force ever made a contribution.

Q. Do you mean to tell the Committee that you are ignorant of the fact that the lieutenants in certain districts have said over their desks that it is necessary for the men to contribute ; that so much money was needed, and that the money was contributed ?

A. Of that fact I am thoroughly ignorant ; it is seldom that I ever go into a station-house ; I don't suppose that I have been in five of them outside of the last visitation of the police Committee.

Q. These contributions you speak of, what do they amount to ?

A. In total ?

Q. Yes.

A. I don't know, sir.

By Mr. Lawrence :

Q. You stated that you kept a separate incidental account. Did you not say that ?

A. No ; I said that I spent the money for the incidental expenses of the office.

Q. You have a separate incidental account ?

A. For the receipts, not the expenses.

Q. Is there anybody to audit that account ?

A. The Controller always audits it, I suppose, before countersigning a warrant.

Q. You made no returns to anybody of the receipts for 1884, '85, but 1886 ?

A. No, sir ; they were audited by the auditors of the Controller's office.

Q. Now, about the receipts ?

A. I am speaking of the receipts, the receipts in 1885. The auditors of the Controller's office called there with a memorandum of the moneys paid in by our department to the City Treasury. I showed them my receipt book, and it corresponded with theirs. That was the audit in 1886.

Q. That is for the amount of money that you did turn in. I am speaking of the money you did not turn in ?

A. That has never been audited.

Q. You kept that money of your own volition without knowledge on the part of the Mayor ?

A. Thoroughly.

Q. You have occupied your position as chief clerk in the department for how long ?

A. Since the 7th of April, 1884.

Q. Who authorized you to keep the city's money ?

A. No one.

Q. You were holding the relation of chief clerk to the chief executive officer of the City of Philadelphia, and knew it was his duty to turn into the city treasury all the money, and yet you, without any authority whatever, withheld the city's money on your own account ?

A. I held it on my own account.

Q. Do you think that you performed your duty loyally to your chief?

A. I don't think now that I did. But at the time I did not think I did anything to bring a blush of shame to him on account of my actions.

Q. But when you saw in the papers a quotation of the law, you consulted with an intimate friend as to what you should do. Why did you not then consult with your chief, the Mayor?

A. Well, I thought I would rather place my case before a gentleman that I had the utmost confidence in.

Q. Then you thought more of your reputation than of that of your chief?

A. No, sir; I did not.

Q. You have never made a return for 1884 and 1885?

A. Not of the balance that I have in hand.

Q. No one knows you have got that except by the statement you have made this morning?

A. That is it.

Q. Not even the Mayor?

A. Not even the Mayor.

Q. Did it not never occur to you that you were giving cause for reflection upon the Mayor!

A. Since this started?

Q. At any time?

A. I never thought of it before this thing started, but since then I thought that he had better not know it. I did it myself, and I thought that he had better not know it; that he would not worry over it.

Q. You thought it right to open a personal account of your own with the City of Philadelphia's money? You used the money of the City of Philadelphia to pay the incidentals?

A. The incidental city bills.

Q. How is it that the warrant—we will say for October—was not sufficient to pay for those things for October? Ad-



mitting that it was necessary that you should have a certain amount of money to pay some expenses during October, 1884, how is it that the warrant that you received from the City Treasurer did not compensate for the amount you had expended?

A. I don't understand the question.

Q. I mean the money that you received for the expenditures?

A. My incidental bills?

Q. Suppose that you spent \$125 from the fund for incidental expenses of the office in October, 1884, you would draw a warrant for \$125, and receive the money at the end of the month?

A. Not at the end of the month—whenever the schedule was signed by the Police Committee.

Q. That is usually once a month?

A. Once or twice a month.

Q. Now, if you received that \$125 at the end of October to compensate you for what you had expended, why was it necessary to be continually adding to this amount?

A. I hardly know how to explain it. I did it without giving any thought whatever to it. I kept it there not knowing what might come up. It was done thoughtlessly; that is, in reference to that amount.

Q. You still allowed the amount to accumulate month after month and year after year?

A. Yes, sir; I did it without giving it any thought.

Q. And without the Mayor's knowledge?

A. Yes, sir.

Q. And then, after you found out that you ought to have turned this money over to the City Treasurer, you did not consult with the Mayor, but called in a confidential friend?

A. I did not call him in; he came into my office, and I consulted with him. I would now like to say to the Committee that if you want me for anything else I will be in my office.

*George H. McCaughin*, being duly affirmed, according to law, testifies as follows :

Examination by Mr. Roberts, Chairman :

Q. Where do you live ?

A. At the city pound and shelter.

Q. What is your business ?

A. I am superintendent of the same.

Q. Do you receive any moneys there ?

A. I do.

Q. For the redemption of dogs ?

A. I do.

Q. Do you receive any other moneys ?

A. No, sir.

Q. What do you do with these moneys after you get them ?

A. I turn them over to Howard March.

Q. How long have you been in the position ?

A. I have been in full charge since the 17th of April, '85.

Q. Have you got a statement of the moneys received from those sources and paid over to Howard March ?

A. I have a copy here of this year, and the others are printed in pamphlet form every year by the society—a statement of the moneys received at the pound for various purposes, for the sale of dogs and sale of manure, and donations they may receive from private parties, and redemption of dogs.

Q. Have you an agreement between the society and the city ?

A. That belongs to the society. I am merely one of their servants.

Q. Have you a statement of the moneys paid over to Howard March ?

A. I have for this year.

Q. Since April, 1885?

A. You will find the statement for 1885 in pamphlet form—that is, in lump.

Q. Have you got it here?

A. No, sir. I have it for this year.

(The witness here produces papers.)

Q. These (indicating papers) appear to be Howard March's receipts for certain payments you have made for 1886?

A. Yes, sir. They cover up from the 1st of January, 1886, until the 1st of September, 1886.

Q. Here is one dated September 4, 1886 (indicating paper)?

A. That is the date it was paid. Understand me, I don't always get in at the end of the month. The end of the month may fall on a Wednesday or Tuesday, and I am not in the habit of coming in to see our Secretary and Treasurer and President until, as it sometimes happens, on Friday. Then, just as soon as I draw money I pay it over to Howard March.

Q. These (indicating papers) comprise all you have paid to Howard March up to the date mentioned?

A. Yes, sir."

Q. Have you the receipts which you received from him for 1885?

A. I have.

Q. Please produce them?

(The witness here produces receipts.)

Q. These (indicating receipts) comprise all the moneys you paid him during 1885?

A. Yes, sir. The sum total is \$1,784, I think.

By Mr. Clay :

Q. What has been your practice in making payments to Mr. March—in check or in cash?

A. I paid him in cash.

Q. Always?

A. Always in cash.

By Mr. Bardsley :

Q. What do the receipts amount to for '85 ?

A. \$1,784.

Q. When were you appointed ?

A. The first of April, 1885, I was appointed assistant, and took charge as superintendent on the 17th of the same month. Mr. Morrett was the superintendent up to the 17th of April, 1885.

Q. Who appointed you ?

A. The Women's Branch of the S. P. C. A.

Q. Do you make returns to that Society of the moneys you pay over to the Mayor's office ?

A. I do. We receive a duplicate receipt like that (indicating a receipt).

Q. So they know exactly what you pay in ?

A. They know every cent paid.

Q. How often do you pay this money into the Mayor's office ?

A. Generally once a month. There is one receipt there on the 12th and one on the 13th of August, one for \$210, and one for \$234. That was when Mr. March was not in the City. I did not see him to pay it to him. He was away on his vacation.

Q. How did you come to get two receipts on the same date ?

A. It was done in that way so that we might know the amounts for the different months.

Q. This is for the month of June (indicating a receipt) ?

A. Yes, sir.

Q. And it is dated August 13th ?

A. That is the date I received it.

Q. Why didn't you pay it before ?

A. I could not pay it before, because the man was away.

Q. So you paid them both on the same day and took separate receipts ?

A. Yes, sir.

Q. So as to keep the months separate ?

A. Yes, sir.

Q. And you hand to the Society a duplicate receipt ?

A. I do.

By Mr. Claridge :

Q. I believe you said that you generally pay Mr. March in cash ?

A. I always.

Q. What did he do with the money ?

A. He generally put it in an envelope—a large envelope like an official envelope and wrote on it—always wrote something on it. I remember of seeing on two or three occasions the words, “Redemption of Dogs,” and the amount and the date. But I got so used to it I didn’t bother about it. All I wanted was my receipt when I paid over the money.

Q. He has already told us that he put the money in an envelope ?

A. So he did. He put it in an envelope and wrote on the back of it. Two or three times I noticed it—“Redemption of Dogs,” and the month and the amount. Then he placed the envelope with the money inside in a little compartment in his safe. He has a large safe in his office, and there is a small compartment, about this square (indicating with his hands). He would put it in there and close it up.

Q. He has already informed the Committee of that, and I wanted to know whether you saw him do it ?

A. I did, most emphatically I saw him do it.

By Mr. Bardsley :

Q. Were there any moneys received prior to your appointment in ’85 ?

A. Yes, sir. I think \$86. I received \$100 from the 17th of April until the end of April, and then I think \$86 was received by Mr. Morrett, and he has his receipt.

Q. How much was received in '85 ?

A. \$1,784.

Q. And how much was received in '86 ?

A. Up to September, \$1,148.\*

Q. And how much to the first of August ?

A. \$886.

*Mrs. Elizabeth Devine* being duly sworn, according to law, testified as follows :

Examination by Mr. Roberts, Chairman.

Q. Where do you live ?

A. 1810 Stiles street.

Q. Do you know Daniel Rosenthal ?

A. Yes, sir.

Q. Did you go on his bond as pawnbroker ?

A. Yes, sir.

Q. When did you do it ?

A. The first Sabbath of January. I went to his house, and he asked me if I would go on his bond.

Q. Of what year ?

A. Last January. I went on it last year also. I said yes. I went down to see a marriage that was going to take place in his family. He said "I am going to pay my license this coming week." I said, "very well." He said "you can come down any day when it suits you." Well I came down in the early part of the week—not the first day, but about the second. When I went into the Mayor's office, where I went before when I went on his bond, Major Linton was not in. I took a seat and waited for him. He came in directly after I got in, and Mr. Rosenthal went to his desk. I sat in a chair, and after I was in there a little bit he called me up to the



desk. He asked me "are you going to go on Mr. Rosenthal's bond?" I said "Yes." "Do you own real estate?" I said "Yes." "Is it encumbered?" I said "No, and I am a widow lady."

Q. Well, you went on his bond?

A. I did.

Q. Did you see him pay for his license?

A. I seen money laying on the counter; I was sitting on the chair; I was opposite, and the desk was between us; when I went to sign my name on the bond, then I seen this pile of money laying along side the desk; I put my signature on his book, and I would know my signature wherever I would see it; as we came out, he bid Mr. Rosenthal some time of day, and he said, "All right Mr. Rosenthal."

Q. Who said that?

A. Major Linton; as I came down the stairs I said to Mr. Rosenthal, "Are you all right?" and he said, "Yes, and I will get my license in a few days."

Q. All we want to know is did you see him pay the money?

A. I saw the money on the desk along side.

Q. You and Major Linton and Mr. Rosenthal were the only ones there?

A. No; his brother was there also; he saw the same pile of money that I did.

Q. Was that money there when you went in there.

A. I did not go in there until I was called to sign the bond, and then I seen the pile of notes there; I should suppose I would not be called on to sign the bond if he had not paid his money, and the clerk would not have said "All right Mr. Rosenthal, I will send you"—I suppose it must have been his license.

By Mr. Claridge.

Q. Then you really never saw Mr. Rosenthal pay the money? You only suppose?

A. It is not a supposition; I am confident he paid the money, because nobody was in the office when we went in; we

had to wait for the messenger to come in; we were the two earliest applicants there; and then he asked him this question, and he would not if he hadn't the money; I saw the money laying on the desk.

Q. But you really do not know whether he ever paid the money?

A. I would be qualified that he paid the money.

Q. How could you be qualified that he paid it when you did not see him?

A. I am sure that the money was not there when we went in.

Q. How could you be sure about that when you were not in the room?

A. I was in the room. I went in the room in the first place, and then took a seat and waited until he came in. Before he came in, I looked around and looked at the desk, and there was no money there; but when he came in and called me up, I seen the money.

Q. But you really did not see him pay the money?

A. I did not, because I was not called up until the money was paid. But I seen it there, and I know it was not there when I went in, because generally I look around me. I saw no money on the desk.

Q. It might have been there covered over?

A. It is not likely it was covered over. I look around pretty sharp. I did not see any money covered up.

Mr. Bardsley.—The other day when Mr. Rosenthal was on the stand, giving the same character of testimony as this lady has been giving, Mr. Ruddiman, of counsel for the Mayor, commenced to cross-examine the witness. You will remember I took the liberty of objecting to it, because we thought it was wrong. I have since learned from counsel for the Mayor that their only object at that time in cross-examining the witness, was to endeavor to satisfy themselves as to the payment of this \$100.

If the Mayor should be convinced from the witnesses that the \$100 was actually paid in the office, he proposes to assume

it and pay it to the City. Counsel thought it might assist them in arriving at a just conclusion on that particular point, by cross-examining the witness. I did not learn of this until afterwards, when I was so informed by Mr. Brightly.

Now, I would suggest that if counsel for the Mayor desire to cross-examine this lady, they should have the right to do so.

Mr. Roberts (Chairman): There is no objection to that. Do you wish to cross-examine the witness, Mr. White? (addressing Mr. White, of counsel for Mayor Smith.)

Mr. White: No, sir. Mr. Ruddiman is now absent, and I know nothing about the subject. I have no questions to ask.

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*Solomon Linse*, recalled.

Examination by Mr. Roberts, Chairman:

Q. Do you know Mrs. Etta Hyman?

A. I do.

Q. What business has she been engaged in?

A. Pawnbroking.

Q. When did she give it up?

A. This spring.

Q. How long had she been at it?

A. Some years.

Q. Do you know anything about her paying for a license this year?

A. Well, I met her in the office the same day I paid my license.

Q. In what office?

A. In Major Linton's office.

Q. Did she pay her license?

A. I seen her and the bondsman sign the book.

Q. Did you see her pay any money?

A. I did not.

Q. And you do not know whether she paid the money or not?

A. I could not positively say.

Q. You merely know that the bond was executed?

A. Yes, sir; her bondsman and herself, I seen them sign. I presume, of course, it was a bond. It was a book similar to what I had signed.

Q. But you do not know anything about her paying the money?

A. No.

By Mr. Reinstine:

Q. Is it the custom to pay the money before the bond is executed, or to pay the money after the bond is executed?

A. The usual custom is to pay the money at the same time the bond is executed.

Q. The bond is of no value unless the money has been paid?

A. I should judge they would not take the bond without the money.

*Thomas B. Lovatt*, being duly sworn, according to law, testified as follows:

Examination by Mr. Roberts (Chairman):

Q. Where do you live?

A. My residence is No. 224 Lombard street.

Q. What is your business?

A. An auctioneer.

Q. Do you know Mrs. Etta Hyman?

A. I do.

Q. What business was she engaged in?

A. She was then in the pawnbroking business in South street.

Q. What do you know about her paying for a license in the early part of the year ?

A. Well, I happened to be present in Major Linton's office that morning when she came in, I saw her go to Major Linton, and I saw her bondsman sign his name on the bond, and I saw her take out her pocketbook, and saw her take money out of it. Then my attention was attracted to another part of the room and I turned my head around. I suppose, of course, that she paid the money.

Q. But you did not see her pay it ?

A. I did not see her give it to Major Linton, but I saw her take the money out of her porte-monnaie. After that I walked down the street with her as far as Walnut street, and on the way she made a remark to me which satisfied me that she had paid the money.

By Mr. Clay :

Q. What was the remark ?

A. That the gratuitous fee of \$5, which most of the brokers gave to Linton, she did not pay. She said she thought that \$100 was sufficient, and I did not give Linton no present.

By Mr. Claridge :

Q. Then you did not see her pay the money, and you only suppose it from her taking money out of her pocket-book that she intended to pay ?

A. That's about it. But there is no doubt but that the money was paid. I have been there on former occasions, and I never saw anybody sign a bond until the money was paid.

*J. Lewis Crew*, being duly affirmed, according to law, testified as follows :

Examination by Mr. Roberts, Chairman :

Q. What is your business ?

A. I am in the petroleum business.

Q. Wholesale or retail ?

A. Wholesale.

Q. Where ?

A. At 113 Arch street.

Q. Did you pay a license for the privilege of conducting your business ?

A. We did.

Q. Did you pay it in 1885, last year ?

A. I have not examined for that purpose. My subpoena only called for 1886.

Q. Did you pay any license for 1886 ?

A. I did.

Q. When did you do it ?

A. The cash book shows it to be January 8th.

Q. Did you pay it in cash, or by check ?

A. My cashier informs me that it was paid in cash.

Q. How much was it ?

A. \$20.

Q. Did you pay any fee in addition to it ?

A. That is all.

Q. To whom did you pay this money ?

A. I cannot answer that, for the clerk who attended to it is now in our branch office in New York. The answers I have given are the ones from the cash book.

By Mr. Reinstine :

Q. There was a receipt given ?

A. Yes, sir ; but in the fire in January many of our papers were destroyed. I have looked for it, but I could not find it.

Q. Has any license been given ?

A. Not this year.

Q. In former years you had them ?

A. Yes, sir ; very soon after the application. The usual mode was to send the money, and then the fire marshal would



come down in two or three days and make examination of the premises, and if everything was in accordance with the requirements the license would be sent in two or three days afterward.

Q. You paid this money in January last?

A. Yes, sir.

Q. And have no license up to this date?

A. No, sir.

By Mr. Roberts, Chairman:

Q. Have you asked for a license?

A. I do not know, because the clerk who attended to that in May or June went to the New York office.

*James H. Stevenson*, being duly affirmed, according to law, testified as follows:

Examination by Mr. Roberts (Chairman):

Q. What is your business?

A. I am in the oil business.

Q. Wholesale or retail?

A. Both.

Q. Whereabouts

A. No. 132 South Second street.

Q. Did you pay a license in 1885 for the privilege of conducting your business?

A. Not to my knowledge.

Q. Did you go on conducting business without a license?

A. Without a coal oil license?

Q. Yes.

A. Yes, sir.

Q. Did you pay any license in 1886?

A. I did.

Q. When did you pay it ?

A. On February 26th.

Q. How much did you pay ?

A. \$15.

Q. In cash, or by check ?

A. By check.

Q. Please produce it ?

(The witness here produces a check).

Q. Did you pay anything beyond it ?

A. No, sir.

Q. No fee in connection with it ?

A. No, sir.

By Mr. Beinstine :

Q. Have you received your license yet ?

A. No, sir.

Q. And you paid in February ?

A. Yes, sir.

Q. Last year you had no license ?

A. No, sir.

Q. And you have no license this year ?

A. No, sir.

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*William Richardson*, being duly affirmed, according to law,  
testified as follows :

Examination by Mr. Roberts (Chairman):

Q. What is your business ?

A. The oil business.

Q. Wholesale or retail ?

A. Both.

Q. Where are you located ?

A. No. 2 Chestnut street.

Q. Did you pay anything for a license in 1885 ?

A. Not an oil license.

Q. Did you, in 1886 ?

A. Yes, sir.

Q. How much ?

A. \$20.

Q. That covered the wholesale and retail both ?

A. Yes, sir.

Q. How did you pay, by check or in cash ?

A. In cash.

Q. Have you got a license ?

A. No, sir ; not yet.

Q. Have you asked for it ?

A. No, sir.

Q. Was this money paid for the business in your own name, or in somebody else's name ?

A. For the Alpha Oil Company.

Q. You are testifying about a license paid for by that company, and not about a license taken out in your own name ?

A. Yes, sir. I am the treasurer of the company.

Mr. Clay : I move that the Committee retire for consultation before we proceed any further in this examination.

The question being upon the motion of Mr. Clay,

It was agreed to.

Whereupon the Committee retired into the Chamber of Common Council for consultation.

Upon returning to the Committee room

Mr. Roberts, Chairman : The chair will announce that the remainder of the coal oil witnesses are excused.

*Col. Robert P. Dechert*, recalled :

Examination by Mr. Roberts, Chairman :

Q. Can you tell the Committee how much money was paid to special officer William Lang?

A. He first appears on the police pay rolls in February, 1885, and he last appears in May, 1886. I said in my testimony yesterday that the name had disappeared in August, and I supposed then that it was so; but an examination shows that the name was not on either the June or July rolls. I have brought these rolls here.

(The witness here produces papers.)

Q. How much was paid him up to that time? We wish to inquire in regard to the following: William Lang, W. R. Baldwin, Joseph R. Ash, Warren King, John F. Smith, A. K. Gray, and Reserve Officer Geiger?

A. Very well; I am prepared now to answer with regard to all except Smith and Baldwin. I was not heretofore informed about those. Warren King was on the roll from August, 1884, to December, 1885. In 1884 he received \$1,384.14, and in 1885 he received \$908.70. In the case of Geiger, whose name appears on the July and August rolls of the present year as not doing any time, he has therefore received no pay.

He appears on the rolls, but as not doing any time.

By Mr. Clay :

Q. When does his name appear?

A. It appears on the August rolls.

By Mr. Bardsley :

Q. How about July?

A. It is the same in July; but he drew no money, as he had no time. Now, as to Joseph Ash. He had 9 days time in May, 1886, as a substitute, and received for it \$21.42. In June he received, including his clothing warrant, \$75.73.

By Mr. Clay :

Q. What did he get for clothing ?

A. \$4.33 and \$71.40 for pay, making the total I have given you. In July he received \$73.78.

By Mr. Bardsley :

Q. How much was for clothing ?

A. Nothing ; that was all pay. In August there was a claim of \$78 on the pay roll, but the warrant has not been signed. Now, as to Gray. He first appears on the roll in January, 1886, and is borne continuously up to August of the present year. Gray received in January, 1886, \$73.78 ; in February he received \$66.64 ; in March, \$73.78 ; in April, \$71.40 ; in May, \$73.78 ; in June, \$28 for clothing and \$71.40 for pay, making \$91.40 ; in July, \$73.78 ; and in August there was a claim for \$73.78, but the warrant has not been signed.

By Mr. Edwards :

Q. You have withheld your signature from from the warrant ?

A. Yes, sir ; I hold it in my office. As soon as I return to my office I will prepare a statement about the cases of Smith and Baldwin. Lang received in 1885, \$823.53.

Q. Does that include clothing warrants ?

A. Yes, sir.

By Mr. Clay.

Q. How much did he get for clothing ?

A. Of the amount given for 1885, \$35.75 was for clothing.

Q. In 1886 ?

A. \$342.72, not including any clothing.

By Mr. Bardsley :

Q. Was your attention ever called to what is known as dog money—that is, money received for the redemption of dogs ?

A. Only as having been paid in by the Mayor to the City Treasurer.

Q. You had no check or certificate from the society that collects this money?

A. No, sir. I learned the other day that the dog catchers have printed receipts, which they fill up and give to persons who pay them money on the streets. That was the first knowledge I had of it, and I made up my mind that I would look it up and have that portion of the account audited.

Mr. Bardsley: The society that has charge of the work employs an officer, and he collects the money and pays it over to the Mayor, receiving receipts in duplicate, one of which he hands to the society, and keeps the other. Of that money the Chief Clerk of the Mayor to-day acknowledges to the Committee that he has \$1,030, collected in 1884 and 1885, yet in his possession, which he proposes to turn over immediately to-day to the City Treasurer.

Colonel Dechert: That is the first I heard of it.

Mr. Bardsley: I merely call your attention to it, so that hereafter you may have that account audited.

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*Joseph R. Ash*, being duly sworn according to law, testified as follows:

Examination by Mr. Roberts Chairman:

Q. What is your business?

A. I am a police officer.

Q. Where do you live?

A. No. 1109 Charlotte street.

Q. How long have you been on the police force?

A. Since the 22d of May.

Q. Of this year?

A. Yes, sir.



By Mr. Bardsley :

Q. Are you on it now?

A. I am supposed to be.

Q. Why do you say "supposed to be"?

A. I am. But I am not doing any duty while here.

Q. Don't you know that you are on the force?

A. Yes, sir.

Q. Of course you are not in uniform?

A. No, sir.

Q. Have you ever been in uniform?

A. No, sir.

Q. You have a uniform?

A. No, sir. This is all the uniform I have. (indicating his clothing.)

Q. During this time you have drawn a certain amount for clothing. I believe it is customary?

A. I believe so.

Q. Whether you buy a uniform or not, you draw the money?

A. I suppose so. I have not been on long enough to know.

Q. Are you on as a regular or as a sub?

A. As a special officer to Capt. Quirk.

Q. To do what?

A. To enforce the different ordinances.

Q. And you have been continuously on since May 22d.

A. Yes, sir.

Q. In order to perform that duty, it is not necessary to be dressed in uniform?

A. No, sir.

Q. Now, what city ordinances have you enforced?

A. Such as blockading pavements, and in looking after furniture car licenses.

Q. That line of duty takes you all over, I suppose?

A. North of Poplar street and east of Broad street.

Q. You are on duty during the day ?

A. Yes, sir ; from about 8 o'clock to 6 or 7.

Q. You say from eight o'clock to six or seven ?

A. Yes, sir.

Q. During that time, every day, you are on duty north of Poplar street ?

A. Sometimes I have to come down to the Central.

Q. To report ?

A. Yes, sir.

Q. Have you ever arrested anybody ?

A. No, sir ; there has been no occasion.

Q. You have not found it necessary ?

A. No, sir.

Q. A word of caution has been sufficient ?

A. Yes, sir.

Q. That is better than arresting these people ?

A. Yes, sir.

Q. Do you ever report at special periods at the Central ?

A. Not always ; sometimes I report at Tenth and Thompson streets.

Q. Is that the district on the pay roll of which you are ?

A. No, sir ; I am on the Fifteenth District.

Q. Where is that ?

A. Out at Frankford.

Q. Can you explain why you are on the Frankford District pay roll ?

A. I suppose there was no vacancy anywhere else when I was appointed.

Q. Of course the Mayor has the right, wherever there is a vacancy, to appoint a special officer ?

A. I suppose so.

*W. R. Baldwin*, being duly sworn, testified as follows :

Examination by Mr. Roberts, Chairman :

Q. Where do you live ?

A. Frankford.

Q. What is your business ?

A. I am a special officer in the Fifteenth District, under Lieutenant Dungan.

Q. How long have you been there ?

A. Two years and one month, the first of this month.

By Mr. Bardsley :

Q. What are your duties ?

A. I am detailed for special duty in weighing coal for station-houses at the present time.

Q. All the station-houses in the city ?

A. All the houses in the City of Philadelphia, German-town, Manayunk, Chestnut Hill, and all around.

Q. How much of your time is taken up with this work ?

A. When I am at it, it is taken up pretty much every day in the week. Some weeks it does not take all the time.

Q. You are not at it all the time ?

A. No, sir ; on some days they do not haul—coal men.

Q. Is it not the fact that in the summer season the Police Department purchases its coal for the entire season ?

A. Yes, sir ; that is the idea.

Q. What do you do, then ? For instance, in the months of October, November, December, January, and February last, what did you do ?

A. I was putting in coal last year, weighing coal.

Q. In those months ?

A. Yes, sir.

Q. But I thought you said the bulk of the coal was put in during the summer months?

A. That was last year.

Q. How is it this year?

A. They commenced this year on the 25th of June to put it in.

Q. When will they get through?

A. That I cannot tell you.

Q. How is it regulated? How many station-houses are there?

A. Twenty-six.

Q. How many tons of coal go into each one?

A. Some have 30 and some 40, 45, and 50.

Q. How long do you take to weigh 30 or 40 tons of coal?

A. If it is all hauled in a day I can do it in a day, but it may take two days to do it.

Q. How long did it take you to weigh up and see put into the cellar thirty or forty tons of coal?

A. For instance I put in, in the First District forty tons in one day.

Q. That is all they sent?

A. Yes, sir.

Q. That was the last for a year or about twelve months?

A. Yes, sir.

Q. That was one day?

A. Yes, sir.

Q. Now take another district?

A. In the Second District I was about two days.

Q. Take another district—any district?

A. For instance, I went to the Falls of Schuylkill to put in ten tons, and I had to go there two days to do it.

Q. To put in ten tons?

A. Yes, sir.

Q. How was that?

A. Because they wanted me to come out at noon, but I was engaged at the other yard here and could not come out until three o'clock, and so I had to go back the next morning to finish it.

Q. On an average in the districts it would be about two days?

A. Two or three days.

Q. But the average would be about two days?

A. It would be all that, if not more.

Q. Then, for twenty-five districts it would be fifty days? Now, what other duties were you performing on the three hundred odd days of the year?

A. When I commenced putting in coal this year, I was superintending the pavement around the station house in the Fifteenth District at Frankford.

Q. When you were putting coal in?

A. When I commenced putting it in.

Q. Then you stopped putting in coal?

A. No, I stopped superintending that job. I left that and went to putting in coal.

Q. How long were you at laying the pavement?

A. I do not know; about three weeks, I think.

Q. Then you stopped that and went to putting in coal?

A. I left that to be finished by some one else, and went to putting in coal.

Q. How long have you been on duty as a patrolman?

A. Two years and one month.

Q. You are a patrolman detailed for special duty?

A. Yes, sir.

Q. Have you been detailed for any other duty excepting putting in coal?

A. Yes, sir; I have superintended putting up the fences around the station-houses by order of the Mayor, and superintended putting up the fences in the Twenty-fourth District.

Q. How long were you in your own district superintending putting up fences?

A. I do not know.

Q. About how long?

A. Nearly a month altogether.

Q. What kind of fence was it?

A. An iron fence part of it, and part of it wood.

Q. You say a month?

A. We were over three weeks.

Q. Was it a contract job or day's work?

A. A contract job.

Q. And you say the contractor was three weeks?

A. On the two fences.

Q. And you superintended, seeing that it was done according to contract?

A. Yes, sir.

Q. The Lieutenant was there on duty every day?

A. Yes, sir.

Q. In addition to that you superintended putting up fences where?

A. At Bellgrade and Richmond streets.

Q. How long were you there?

A. About a week.

Q. That is about twelve weeks altogether, as I make it out of the 52. That leaves 40 weeks. What were you doing those 40 weeks?

A. Are you speaking of this year? I superintended digging out around the station house and sodding and gravelling, superintended the digging out the roadway around and filling in. After I got that work all done I went to work fixing up the station house last winter, and was at it until spring,

Q. You used to be the Lieutenant there, I think?

A. I was the Lieutenant there twelve years and seven months.



Q. Then you were under several Mayors ?

A. Mayor Stokley and King and the present Mayor ?

Q. You gave entire satisfaction, of course, or you would not have been there.

A. Yes, sir.

Q. Why were you removed ?

A. The only explanation the Mayor gave was, he said that he wanted a younger man. Never was a scratch of a pen or any charge against me.

Q. He only wanted a younger man ?

A. Yes, sir.

Q. And then he had enough sympathy for you to find you this job ?

A. He offered me the job of superintending any work where it was contract.

Q. There never was such a position before in the department ?

A. I cannot tell you.

Q. So far as you know ?

A. The sergeant under me was detailed to build a station-house out there by Mayor King.

Q. But so far as you know, there never was a man performing the duty that you are presumed to perform ? Whom do you report to ?

A. Lieutenant Dungan.

Q. Every day ?

A. If I am not down in the city putting in coal, I do.

Q. Where do you live ?

A. In Frankford.

Q. You have always lived there ?

A. I have lived there twenty-six years.

Q. Is it customary for special officers to draw clothing warrants ?

A. I believe it is now, at the present time ?

Q. Then it was not always so?

A. That I cannot tell you.

Q. Why did you say, then, that you believe it is at the present time?

A. Well, I get mine.

Q. Well, was it always customary for Special Officers to be paid for clothing?

A. I never had a Special Officer while Lieutenant—only a patrolman taken off the street, and put on in that way.

Q. You never had a Special Officer charge in your district?

A. There was one appointed in the Court on my roll.

Q. What to do in Court?

A. He takes charge of the cases brought in by the police.

Q. Is he always in Court? Does he wear a uniform?

A. A blue uniform, the same as this, (indicating his clothing.)

Q. You mean a police uniform?

A. No, sir.

Q. Did you pay him his clothing warrant?

A. He was paid at the Central.

Q. He was detailed from your district?

A. He was on my roll.

Q. You certified to his warrant?

A. No, sir; he was just carried on my roll and he was paid at the Central.

Q. You certified to his pay?

A. I did not keep his time.

Q. Then you certified to his time?

A. Not to the best of my knowledge. It is two years and over, and I may have forgotten.

Q. So far as you remember, there was only that Special Officer charged on your pay roll?

A. Yes, sir.

Q. You certified, when you were a Lieutenant, to the time made by all your men ?

A. Yes, sir.

Q. And you certified their clothing warrants ?

A. Yes, sir.

Q. And you certified to this office for the—to the clothing warrant, presumably ?

A. I suppose so.

Q. You cannot remember exactly ?

A. No, sir.

Q. When you have no coal to put in, what do you do then ?

A. I report to the Lieutenant, and if he has anything for me to do I did it.

Q. And if he has not ?

A. I do nothing ?

Q. How much of your time is engaged in doing that ?

A. I generally have something to do every day—some little thing or other.

Q. Around your station house, or somewhere else ?

A. Around the station house. I have no business of any kind but that.

*Joseph Isaacs Harvey*, being duly sworn, according to law, testified as follows :

Examination by Mr. Roberts (Chairman) :

Q. Do you know Mrs. Etta Hyman ?

A. Yes, sir.

Q. Where do you live ?

A. The store is 520 South street.

Q. What kind of a store is it ?

A. A pawnbroker shop.

Q. You say you know Mrs. Etta Hyman ?

A. Yes, sir.

Q. Do you know anything about her payment of a license in January of this year ?

A. No, sir. She asked me if I would go on her bond. I told her that I was very busy, but as I was going in that direction that I would go there, and I went over and signed the bond. I told Major Linton that I was busy and he let me sign the bond, and I went away while she was sitting there.

Q. Then you did not see her pay the money?

A. No, sir.

Q. You do not know whether she paid it or not?

A. No, sir.

*William L. Dungan*, being duly sworn, according to law, testified as follows:

Examination by Mr. Roberts (Chairman):

Q. Where do you live?

A. In Frankford.

Q. What is your business?

A. I am the lieutenant of the 15th police district.

Q. These two men who have testified have served in your district?

A. Wm. B. Baldwin has.

Q. Has Joseph R. Ash served in that district?

A. No, sir.

By Mr. Clay:

Q. Who makes up the rolls of that district?

A. I do.

Q. Who placed the name of Joseph R. Ash on the pay roll?

A. I did.

Q. By whose instructions?

A. By Captain Quirk's, commanding the Third Division.

Q. Do you not make oath to the correctness of the pay rolls?

A. Yes, sir; through Captain Quirk,—that is, for Joseph Ash.

Q. How can you swear to it, when he is not under your supervision or control?

A. I go to Capt. Quirk at the end of the month, and ask him how much time the man has made.

Q. Then you swear to it on information?

A. I have not sworn to any pay-roll. Mr. Ash was appointed a patrolman in my district, the same as any other man, and was assigned to a number—No. 681.

Q. As to his time, you say that you received it from the Captain?

A. Yes, sir.

Q. Mr. Baldwin's time you make up yourself?

A. Yes, sir. He reports to me every day.

Q. Every morning at the station house?

A. Yes, sir.

Q. Does he report to you in the evening, also?

A. Well, not as a general thing. If I have any particular business for him to do, he is there.

Q. As a rule, does he attend morning roll call?

A. Not the roll call, but he is there. If I have any place to send him to, he goes there, or any business for him to transact, I send him to do it.

*Albert C. Allison*, being duly sworn, according to law, testified as follows:

Examination by Mr. Roberts, Chairman:

Q. Where do you live?

A. In Manayunk.

Q. You are the lieutenant of that district?

A. Yes, sir.

Q. What district is it?

A. The 13th.

Q. Do you know John F. Smith?

A. I do.

Q. Is he in the service of the police department?

A. He was, up to the first of the month.

Q. How long had he been?

A. He was assigned to my district as a regular officer; I think either on the 6th or 7th of last April, and then he was detailed for special service.

Q. Where did he live in that time?

A. I don't know.

Q. What service did he perform?

A. He was detailed to superintend the alterations of the twenty-fifth district house on Moyamensing avenue below Dickinson street—a new district.

Q. And he was on the payroll of your district in Manayunk?

A. He was detailed for that especial service, and I carried him on that roll.

By Mr. Bardsley:

Q. What did you say he was doing?

A. Superintending the alterations of the twenty-fifth district house—a new district down there.

Q. That is the old Shiffler hose house?

A. I don't know that.

Q. When did he first appear on your roll?

A. I think either on the 6th or 7th of April. I don't know the exact date.

Q. Who certifies to his time?

A. I do.

Q. On what information?

A. On information from headquarters that he is making full time. All special officers make full time.

Q. That is the custom?

A. Yes, sir—ever since I have been in the department, and I have been in it for ten years.

Q. He was put on your roll because you had a vacancy?

A. Yes, sir.



Q. You have no control over him? He does not report to you?

A. No, sir.

Q. You don't know anything about his qualifications for the work?

A. No, sir.

Q. Did you ever see him?

A. I did.

Q. How many special officers have you on your roll?

A. I have one now.

Q. Who?

A. A man detailed from the ranks to do special duty in my district.

Q. How long has it been since you had more than one?

A. From about the 6th or 7th of April to the first of this month.

Q. How many had you then?

A. Two.

Q. How many had you previous to that?

A. One.

Q. You generally carry one or two?

A. Yes, a patrolman detailed out of the ranks to do special service in my district.

Q. In citizen's clothes?

A. Yes, sir.

Q. Now, when a man is detailed for special service like patrolman Smith; does he receive his clothing warrant? Is that the custom of the department?

A. That is the custom of the department for all special officers to receive clothing warrants.

Q. It is the custom?

A. Yes, sir.

Q. Regardless of whether they dress in uniform, or not?

A. I do not know. I know that my special officer was measured for a uniform, but a different uniform from what the police have.

Q. I suggest Smith. He wouldn't appear in patrolman's uniform to superintend the erection of that house?

A. I should think not.

Q. Did he receive his clothing warrant?

A. I suppose he received a portion of it.

Q. I mean a portion.

A. The 6 months' clothing warrant handed on July 31st, and from April 6th or 7th to July 31st, he was entitled to the amount of the clothing warrant.

Q. You issue the clothing warrant semi-annually?

A. Twice a year.

Q. In April and October?

A. In July 31st and the last of December.

Q. Was Smith on the roll in July?

A. Yes, sir; from the 6th or 7th of April to the 1st of this month. Then he resigned.

Q. Then he received his clothing warrant in July?

A. I presume so.

Q. Don't you have to certify that he is entitled to it?

A. I certify to the pay roll—to every man on it.

Q. His clothing warrant was in his pay?

A. The clothing warrant is in along with the monthly salary warrant.

Q. Is it a separate warrant?

A. No, sir.

Q. It goes in with the other warrants?

A. We used to get them separately.

Q. It is \$20?

A. \$20 for every six months—\$40 a year.

Q. So in July Smith received the additional \$20 on his month's pay?

A. No; he was entitled from the 6th or 7th of April up to that time.

Q. That is his proportion of the six months?

A. Yes, sir.

By Mr. Roberts, (Chairman.)

Q. Have you as many officers as you need in Manayunkto cover the ground properly?

A. Certainly not.

Q. We sometimes hear that there are not enough officers, and I wanted to know.

A. I could place fifty officers there readily.

Q. Then, when a man is put on your pay roll, and detailed to work in the southern part of the city, you are just that much worse off than Councils mean you to be?

A. I am one man short.

Q. You have work for this man in your district if you could have had him?

A. Yes, sir.

By Mr. Bardsley:

Q. Sometime ago, I presume, the Mayor it was, issued an order asking every member of the force to provide himself with a new revolver, and the department furnished the revolvers. Were the men required to pay for them?

A. The men did pay for them.

Q. Did you collect the money?

A. I did.

Q. How much from each patrolman?

A. \$8.04.

Q. And paid it over to the Chief?

A. No; I did not pay directly to the Chief; I paid it at headquarters.

Q. Whom did you pay it to?

A. I think I paid it to the Captain in my division—the Fourth Division. The officers have always been buying their pistols. They never were furnished by the city.

*William L. Dungan*, re-called.

Examination by Mr. Bardsley :

Q. How many special officers have you on your roll ?

A. Two.

Q. Baldwin is one, and who is the other ?

A. Ash.

Q. Are you accustomed to carrying two or more ?

A. Accustomed to carrying two.

Q. How long have you been Lieutenant ?

A. Since August '84.

Q. Since that time have you carried more than two ?

A. No, sir.

Q. Have you carried two all the time ?

A. No, sir.

Q. Then you have carried one ?

A. I carried one until Ash was appointed.

Q. Only Mr. Baldwin ?

A. Yes, sir.

Q. Have you any other special officer ?

A. I have one patrolman detailed, acting as a special officer, wearing citizens clothing.

Q. In the district ?

A. Yes, sir.

Q. I mean detailed out of the district ? You have only two detailed out of the district—Ash and Baldwin ?

A. There are three men besides those detailed out of the district.

Q. What are their names ?

A. Harry Stanwood, who is detailed in Court—who has charge of the police cases in court ; and John Wear, who is detailed to Chief Kelly.

Q. Who is the third one ?

A. Alfred Bye.

Q. What does he do ?

A. I don't know.

Q. Where does he go to ?

A. He reports to Chief Kelly.

Q. That makes two out of your district who go to Chief Kelly for orders ? Mr. Wear and Mr. Bye—is that correct ?

A. Yes, sir.

Q. That makes you five special officers, none of them doing duty in your district ?

A. Yes, sir.

Q. How many men have you on your roll ?

A. Forty-four.

Q. And five of them don't do duty in the district.

A. No, sir.

Q. How long have these two men been with Chief Kelly ?

A. Alfred Bye was appointed on October 14, 1884, and John Wear January 1, 1885.

Q. They all make full time of course ? They tell me that is the custom ?

A. Yes, sir.

Q. Do they ever report to you ?

A. No, sir.

Q. What does this man do at court ?

A. He has charge of all the police cases.

Q. Does he belong to the Court—under the control of the Court ?

A. I cannot answer that question.

Q. You don't know what he does, only that he has charge of the police cases ?

A. Of the police cases in the Court.

Q. You don't know what his duties are at all at the Court ?

A. No, sir.

Q. Who gives you a return of the time made by Mr. Wear and Mr. Bye?

A. Chief Kelly.

By Mr. Clay:

Q. What are the limits of your police district?

A. 22 square miles.

By Mr. Roberts:

Q. It comprises the Twenty-third ward?

A. Yes, sir.

Q. Are 44 men enough to cover that District?

A. Well, it is a good bit not policed at all, and never has been.

Q. Are there enough men to do police duty there to protect the city in that portion where you have work to do?

A. We have been getting along very nicely; yes, sir.

Q. You have enough men?

A. Yes, sir.

*Edwin L. Usilton*, being duly sworn according to law, testifies as follows:

Examination by Mr. Roberts:

Q. What is your business?

A. Lieutenant of the Fifth District.

Q. Do you know Warren King?

A. No, sir.

Q. Has such a man ever been on the pay roll in your district?

A. Yes, sir.

Q. How long has he been?

A. He went on July 7, '84.



Q. When did he go off?

A. September 31, '85.

Q. You don't know him?

A. No, sir.

Q. Did you ever see him?

A. No, sir.

Q. Is there such a man?

A. I suppose so.

Q. What makes you think so?

A. Well, the Chief told me he was a good man, and ought to be put on secret service under Chief Kelly.

Q. That is the sort of service he is doing?

A. Yes, sir. It was not wanted to be known by the public generally.

Q. Don't you certify once a month about the work done by him?

A. Yes, sir.

Q. Do you know A. K. Gray?

A. Yes, sir.

Q. How long has he been on the rolls in your Department?

A. He went on January 1, 1886.

Q. Is he still on?

A. Yes, sir.

Q. What sort of work does he do?

A. He is on special duty under the charge of Chief Kelly.

By Mr. Clay :

Q. When did you say Warren King went on duty?

A. July 7, 1884.

Q. When did he cease acting?

A. December 31, 1885.

Q. Have you any other special officers in your district besides King and Gray?

A. Two others.

Q. Where do they do duty?

A. At my station—Adam Crumley and Potts, a colored officer.

Q. So you have four special officers?

A. No. King is off now.

Q. Two of them do regular duty in the district, and one is under Chief Kelly?

A. Yes, sir; or Chief Stewart.

Q. How many officers have you in the district?

A. Thirty-nine.

Q. What are the limits of your district?

A. It is the Eighth Ward.

Q. It is very thickly built up?

A. Yes, sir.

Q. Almost entirely?

A. Yes, sir.

Q. Do you have enough officers there for the purposes of the district?

A. Well, I don't think there enough officers in the city; we ought to have as many again. Still, we have done very well. Of course we need men for special duty.

Q. Every officer who is detailed for a special duty, who is on your rolls—curtails your ability, in a police sense, to protect your district?

A. No, sir. Sometimes special officers are of more use than those in uniform. I don't know but what those officers are doing work in the district.

Q. You have thirty-nine officers who do duty in the Eighth Ward, and two are in citizens garb. Gray is on your roll, and doing duty at the Central Station?

A. Yes, sir.

Q. If you had a patrolman doing duty in Gray's place you would have a place for him?

A. He may be doing duty in my district, down there; I don't know. I had once to send a colored man away up town

to do duty. It was because we did not want him to be known. It was in regard to the policy racket. Gray and other special officers may be doing duty in my district.

Q. Did you ever see Warren King?

A. No, sir.

Q. Did you ever see the man represented to be Warren King?

A. I never asked to see him.

Q. How many men of that kind are there in the department?

A. I cannot answer the question.

Q. All you know is the one out of your district?

A. Yes, sir.

By Mr. Bardsley :

Q. Do you know a man named Buck, within the last year or eighteen months on your roll, who performed special service? Do you remember any such name?

A. No, sir.

Q. Or Beck?

A. No, sir.

Q. You would remember if there had been any such a man?

A. I think so.

A. Buck or Beck?

A. I think so. I have had a great many changes in my district, and I would have to look over the books to tell some of the names.

Q. Does Officer Gray ever report to you?

A. I have seen him frequently.

Q. What is his name?

A. I always thought he had a middle name. Now they say it is plain Alexander Gray.

Q. How long have you known him?

A. Some time.

Q. How long has he been in the service?

A. Fifteen or sixteen years.

Q. In what capacity?

A. He was a patrolman for some years.

Q. And then what?

A. Then detective awhile down here.

Q. He is the man commonly known as Alec. Gray?

A. Yes, sir.

Q. He is on your roll as A. K. Gray?

A. Yes, sir.

Q. You get his time from Chief Kelley?

A. Well, if he loses any time they would report it to me and I would dock him.

Q. King is not on now?

A. No, sir.

Q. He was dropped off by orders from the Central?

A. The Chief.

Q. When was he dropped?

A. December 31, 1885.

Q. Then Gray came on immediately?

A. Yes, sir.

Q. So that King was dropped and Gray came on right away?

A. Yes, sir.

Q. The Department could not stand without their places being filled, I suppose? How many subs have you?

A. We have three subs, but we have several vacancies to fill yet; we get outside subs to work in their places.

Q. Subs only take the places of men who are off sick or absent?

A. Yes, sir.

By Mr. Clay :

Q. Do you know the man, who drew the warrants, by the name of Warren King ?

A. It was taken out at the Central.

Q. Do you know the man who drew the warrants for Warren King ?

A. No, sir.

Q. You are positive about that ?

A. Yes, sir.

By Mr. Bardsley :

Q. All your warrants for your thirty-nine men came to you?

A. Mr. King's did not.

Q. It was taken out down at the Central ?

A. Yes, sir.

By Mr. Clay :

Q. Who got the warrant at the Central ?

A. I cannot tell you. I don't know.

Q. Didn't you carry a man by the name of Burns on your roll ?

A. Yes, sir.

Q. How long did you carry him ?

A. From May 12, 1884, to October 18, 1884.

Q. Did he report to you ?

A. He was there doing duty as a clerk for the physician—Dr. French. He had a great many men to examine when he first went in. Of course they were in my house every day.

By Mr. Bardsley :

Q. That is why he came to be on your roll, because the examinations were made in your house ?

A. I suppose so.

Q. He was detailed for that special duty ?

A. Yes, sir.

Q. He kept the records and wrote out descriptions?

A. Yes, sir. When they got through the biggest portion of that he resigned.

Q. He was only on for the time being, while the examinations were going on?

A. Yes, sir.

*Francis R. Kelly*, being duly sworn, according to law, testifies as follows:

Examination by Mr. Roberts, Chairman:

Q. What is your business?

A. Chief of detectives of the city.

Q. Do you know William Lang?

A. Yes, sir. I know a man by that name.

Q. Is that his proper name?

A. It is not.

Q. Why do you call him William Lang?

A. Because his name is on the rolls in that way, for the purpose of procuring his warrants for him monthly.

Q. Does he do any work for that pay?

A. He did—valuable work—secret service.

Q. Would it be improper to have that work known?

A. It would disclose the work that he has performed, and it would be against the best interests of the public service and my department.

Q. Then this man did valuable work under that name?

A. Yes, sir. But he is not on the rolls of the department now.

Q. How long was he on the rolls?

A. He made seven days in February, 1885, and continued up to the 25th day of May, last.



By Mr. Clay :

Q. How many officers in the department have you doing special duty under you ?

A. At the present time ?

Q. Yes.

A. Not any.

Q. How many have you had from time to time ?

A. Two.

Q. Did you know a man who passed under the name of Warren King ?

A. I did.

Q. Did you deliver his warrants to him ?

A. I delivered the money. That was done for the purpose of not having him to go where he would be likely to be seen, getting his warrant cashed.

Q. You did that same thing with the man who passed under the name of William Lang ?

A. Yes, sir.

Q. This was done for the purpose of concealing their identity ?

A. Yes, sir.

Q. They were doing secret duty altogether ?

A. Yes, sir. They gave me secret information which was of benefit in my department. And it must be plain to all by the work which has been accomplished in the city in that way.

Q. You say you have no special officers under you now ?

A. No.

Q. Up to what period of time have these special officers been under you ?

A. On the twenty-fifth of May last, Lang was dropped, and in December King was dropped.

Q. You have no men doing this kind of duty since Lang and King severed their connection with the Department ?

A. No, sir.

Q. Do you know Alexander Gray?

A. Yes, sir.

Q. Does he report to you?

A. No, sir. That was a mistake of the Lieutenant.

Q. What part of the Department does he report to?

A. I believe he is under Chief Stewart, but I am not positive about that. I have seen him up and down in the Chief's Office.

Q. You know nothing about the character of the service he is doing in the Department?

A. No, sir.

By Mr. Bardsley.

Q. How many men have you in your office?

A. Seven detectives.

Q. Seven recognized detectives, provided by ordinance?

A. Yes, sir; and myself as Chief of the Department. I have some men detailed as special officers.

Q. How many of them?

A. Officer Stanwood, who is the court officer; he keeps the court records of the trial of criminals.

Q. What district is he from?

A. I believe that he is on the rolls of the 15th—a Frankford District. Then there is Officer John Wear, who is there at night in charge of the Central Station, to take complaints, and answer telegrams and do such duty.

Q. He is in the office to receive telegrams and such things?

A. Yes, sir; to take complaints of any one who may come to make complaints.

Q. What is Officer Jones there for?

A. He is not under me. He has a position after 12 o'clock in the Mayor's Office; he is not in the detective department.

Q. Officer Wear is in your department; and you consider it necessary to have such a man there?

A. Quite necessary.

Q. You do not want to detail one of your seven experts.

A. No, sir.

Q. How many more have you besides Stanwood and Wear?

A. Officer James Tate, a special officer. I believe he is on the rolls of the Fourth District.

Q. What does he do?

A. He has special duty to perform, a duty the same as a detective officer.

Q. What others have you?

A. There is James Linton. His duty is to make daily records of the reports of the special officers of the entire city. The returns are submitted to me in writing by the special officers of the different districts.

Q. Then you do not simply file those away?

A. No, sir; they are copied into a large book, which is used for reference and information in the department.

Q. Then he acts as clerk?

A. Yes, sir.

Q. What other special officers have you?

A. I believe that is all.

Q. What other employees have you, then?

A. No other, except the seven detectives and myself, and the special officers named.

Q. Do you know an officer named Bye?

A. Yes, sir; I omitted to state that he is a special officer, detailed as a horse detective. Following up information about stolen horses.

Q. That is another detective?

A. A special officer.

Q. When Councils make an appropriation for a Chief and seven detectives, what right have you to put on other detectives?

A. On account of the force being small and the necessity of an increase in the force.

Q. Who do you think ought to be the judge of that?

A. Well, myself. I suggest to the Mayor and the Chief.

Q. The Councils might just as well make an appropriation for three or four, or none?

A. It would be better if they would make an appropriation for about ten.

Q. You think that your judgment is superior to the judgment of Councils?

A. No. But I am in the position to be the best judge of the number of men it takes to perform the duties.

Q. So it does not make any difference to you how many Councils say you shall have?

A. Well, Councils said that we should have that many a number of years ago, and since then the city has increased, and the criminal classes have increased.

Q. But Councils have refused to increase the number?

A. I think that was bad judgment.

Q. According to your judgment?

A. Yes, sir.

Q. It does not make any difference to you what Councils do, as you put them on as you please?

A. No, sir. Only three or four. I told you that they perform a good service, and their services are certainly required.

Q. Do you think you have the right to increase your force fifty per cent.

A. Well, some men have distinguished themselves, and have asked that they be transferred to the Central Station, as men capable of doing detective duty.

Q. Was the Mayor aware that you increased your force of detectives?

A. He knows that I have special officers assigned there.

Q. Acting as detectives?

A. Yes, sir.

Q. And he permits the Ordinance of Councils to be thus clearly violated ?

A. He followed custom. Mayor Stokley had six special officers, besides eight detectives.

Q. Some people thought that all of the detectives had best be abolished.

A. The public will be the best judge of the services they have rendered under the present administration, when the condition of the City is taken into consideration, and the number of criminal classes—and what has been accomplished. No city in this country is so free from the depredations of the criminal classes as Philadelphia.

Q. So that if Councils should refuse to increase your force you would still add to it according to your judgment, and carry it on with as many men as you thought necessary to do the work.

A. No, sir. I am subject to my superior officers.

Q. You are acting directly under the directions of the Chief of Police and the Mayor ?

A. The Chief of Police, I take my orders from, and he confers with the Mayor. My orders come from the Chief of Police.

Q. Then it was he who told you to increase your force of detectives ?

A. I suggested it.

Q. It was on your recommendation ?

A. Yes, sir.

By Mr. Clay :

Q. You know that robberies are still going on in the city ?

A. There are a number. We cannot suppress all of them entirely, there are a few and the public generally know about them.

Q. That shows that the system which you have put in vogue does not have the effect of entirely ridding the city of these people.

A. Not entirely. That would be impossible, but it is about as close as you can come to it. Of course, people are coming back into the city, and some of them are finding their houses have been robbed. All such cases have not been reported to us yet. But the officers do the best they can. It is impossible to entirely stop it.

By Mr. Lawrence :

Q. If I understand you rightly in regard to Warren King and Lang, there is a class of detective work to be performed, and the persons who perform it should not be known by any person except yourself?

A. Yes, sir ; It is quite necessary to perform such duty.

Q. In such a case, you take a person or persons and give them an assumed name on the pay roll, so that it shall not be possible for them to be known as being connected with your department?

A. That is the idea. It is to cover up their identity.

Q. It is to prevent their identification, that you draw the warrants of those persons and receipt for them, and draw the money and pay them the money?

A. Yes, sir.

Q. You do it simply for their protection, and to enable them to properly fulfill the duties you assign them to perform?

A. Yes, sir.

Q. That is the way you account for the names of William Lang and Warren King on the pay rolls, without anybody appearing here to testify that they are the identical persons named?

A. Yes, sir.

At this point, upon motion of Mr. Clay, the Committee took a recess for an hour.



## AFTER RECESS.

The Meeting reassembled at 2.30 o'clock P. M., upon the termination of the hour fixed for the recess.

Mr. Clay:—I desire, Mr. Chairman, to state that one of the members of the Committee is very desirous of getting away as early as possible this afternoon. Consequently I will now move that the Committee adjourn twenty minutes past three o'clock, until to-morrow morning at 10 o'clock.

The question being upon the motion of Mr. Clay.

It was agreed to.

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*Edward M. Lyons*, being duly sworn, according to law, testifies as follows :

Examination by Mr. Roberts (Chairman) :

Q. What is your business ?

A. Lieutenant of police.

Q. Of which District ?

A. Of the Twenty-third District.

Q. Do you know William Lang ?

A. I do not.

Q. Was he ever on the rolls in your district ?

A. He was.

Q. When ?

A. I cannot give you the date. He was on over a year—somewhere in that neighborhood. I received orders from headquarters that William Lang had been appointed in my district for special or secret service at the Central Station.

Q. You never knew him ?

A. No, sir.

By Mr. Clay :

Q. How many special officers have you in your district ?

A. I have three with Lang.

Q. What are the names of the others ?

A. James Colburn and John Carpenter.

Q. Where do they do duty ?

A. In the district and sometimes out of the district. Sometimes in and sometimes out of the district.

Q. Have you any other special officers ?

A. No, sir.

Q. Those are the only three you have ?

A. Yes, sir. I think I never had more than three specials.

*Alexander Gray*, being duly sworn, according to law, testifies as follows :

Examination by Mr. Roberts, Chairman :

Q. Where do you live ?

A. No. 1810 Camac street.

Q. What is your business ?

A. A police officer.

Q. You are on the police force ?

A. Yes, sir.

Q. How long have you been ?

A. Since the 1st of January, 1886.

Q. In what district ?

A. The Fifth District.

Q. What is the character of the service you perform ?

A. Special duty.

Q. In that district ?

A. In that district and other districts.

By Mr. Bardsley :

Q. What other districts ?

A. All the districts—the city at large.

Q. Who details you ?

A. The Chief of Police.

Q. Mr. Stewart ?

A. Yes, sir.

Q. Are you on duty now ?

A. Yes, sir.

Q. What have you been doing this morning ?

A. I decline to answer.

Q. Why do you decline to answer ?

A. Because it might injure what I am doing.

Q. What were you doing yesterday ?

A. I was absent from the city yesterday.

Q. What were you doing ? You said you were on duty ?

A. I did not say so.

Q. Then you were not on duty yesterday ?

A. No, sir ; not actual duty.

Q. What were you doing the day before ?

A. I was absent from the city.

Q. With leave ?

A. Yes, sir.

Q. The leave of Chief Stewart ?

A. Yes, sir.

Q. Where were you ?

A. I was down in Maryland.

Q. Where were you last week ?

A. In Philadelphia.

Q. What were you doing ?

A. I was moving part of the time.

Q. Your household goods ?

A. Yes, sir.

Q. What else were you doing?

A. What do you mean? That is a pretty broad question.

Q. What kind of duty were you on?

A. Special duty.

Q. What kind of special duty?

A. For the Police Department.

Q. What kind of special duty were you on?

A. Engaged on cases connected with the Police Department.

Q. Yes, I presume that. Now, what were you doing?

A. I decline to answer.

Q. You decline to answer?

A. I do.

Q. How long have you been a special officer?

A. Ever since the 1st of January, 1886.

Q. Have you been on special service all the time since?

A. Yes, sir.

Q. Will you tell us anything you have done since the 1st of January, 1886?

A. No, sir, I decline positively to answer.

Q. You will not tell us anything?

A. No, sir.

Q. What part of the city were you on duty in at any time since the 1st of January, 1886?

A. In different parts of the city. I will not specify.

Q. You decline to answer even that?

A. Yes, sir.

Q. Have you been in the city all the time since January 1st?

A. No, sir.

Q. How much of the time?

A. A great deal of the time.

Q. About how much?

A. Part of the time I was in New York.

Q. I am not asking you where you were ?

A. I could not tell you.

Q. About ?

A. I cannot tell you. I did not keep any account of it. I did not have any idea that this question was to be asked me.

Q. It was not necessary for you to know that in advance in order to tell us what we want to know. You ought to know. Now, you have been on duty eight months since the first of January, have you ?

A. Yes, sir.

Q. Have you drawn eight months pay ?

A. Yes, sir.

Q. Draw full pay ?

A. Yes, sir.

Q. Have you ever appeared in police clothes ?

A. No, sir.

Q. Now, how much of the eight months have you been in the City of Philadelphia ?

A. I don't know how much.

Q. Half the time ?

A. Yes, sir.

Q. More than that ?

A. Yes, sir.

Q. Have you been here six months of the time ?

A. Yes, sir.

Q. At least ?

A. Yes, sir.

Q. Perhaps seven months ?

A. I could not tell.

Q. Well, about six months you say you have been here ?

A. Yes, sir.

Q. Will you tell us where you were the other two months ?

A. At different places—at Atlantic City, Pottstown, and in New York.

Q. Were you there on official business ?

A. Yes, sir.

Q. Who sent you to those places ?

A. The Chief of Police.

Q. What official business did you do at Atlantic City ?

A. I decline to answer.

Q. You won't tell this Committee what you were doing at Atlantic City ?

A. I reported to the Chief of Police what I was doing.

Q. But you decline to tell the Committee what you were doing ?

A. Yes, sir.

Q. Were you in any business there ?

A. No, sir.

Q. Were you a detective there ?

A. I decline to answer that question.

Q. Will you say that you were not a detective there ?

A. I was not a detective there.

Q. Were you on police duty connected with the City of Philadelphia ?

A. Yes, sir.

Q. Were you on police duty, connected with this city, in New York ?

A. Yes, sir.

Q. How long were you in New York ?

A. I was there several times ; I was in New York sometimes two days at a time, sometimes one day.

Q. You were sent over there by Chief Stewart ?

A. Yes, sir.

Q. At Pottstown you also spent some time ?

A. Yes, sir.

Q. Were you there on official business ?

A. Yes, sir.



Q. How long were you there ?

A. Four days at one time.

Q. Was it on secret police duty ?

A. I decline to answer that question ; It was on police duty.

Q. Was it on public police duty you went to Pottstown ?

A. No, sir.

Q. Was it on private police duty.

A. If you will explain that question a little different I may answer you maybe.

Q. A few minutes ago you said that you were not on public police duty at Pottstown, or do you say that you were there on neither public or private police duty ?

A. I said I was not on public police duty.

Q. Were you there on private police duty ?

A. Yes, sir ; for the City of Philadelphia.

Q. When you were at Pottstown, then, you went on private police duty for this city ?

A. It is not supposed to be known what I was on to the people there, if that is what you mean.

Q. I am only asking you and not the people of Pottstown.

A. I will try to answer your question.

Q. I want to know whether you went to Pottstown on private police duty for the City of Philadelphia ?

A. Yes, sir.

Q. And you were there four days ?

A. Yes, sir.

Q. I presume you were after criminals ?

A. I decline to answer what I was after.

Q. For two months since the first of January you have been absent from the city, and you say that you were here for six months and have drawn eight months pay. Who directs your movements ?

A. The Chief of Police, Lieutenant Usilton.

Q. That is, of the Fifth District?

A. Yes, sir.

Q. Did you ever report there?

A. Yes, sir.

Q. When?

A. Frequently.

Q. When did you report there last?

A. Last week was the last time I was there.

Q. What day of last week was it?

A. I was there on Thursday and Friday.

Q. Did you report on roll call?

A. No, sir.

Q. What time in the day was it?

A. It was not in the day time, but the night time.

Q. Did you see the Lieutenant there?

A. No, sir.

Q. Each time that you were there?

A. Yes, sir.

Q. He knows you doesn't he?

A. Very well.

Q. Perfectly well?

A. Yes, sir.

Q. If he should say that you had never reported to him, you would wonder at it?

A. I certainly should, if that is what you mean by reporting. Him and I were together in the station, in his room.

Q. What were you doing prior to the first of this year?

A. I was connected with the Police Department for very near fourteen years.

Q. Right up to the end of last year?

A. Up to the 6th of November.

Q. Of last year?

A. Yes, sir.

Q. And between that and the end of the year, you were not doing anything?

A. Not a thing.

Q. What position did you occupy in the Police Department of the city? You say you were on the force about fourteen years?

A. Very near fourteen years.

Q. What were you doing?

A. different things—patrolman, special officer and detective officer.

Q. Were you a detective officer in the last position?

A. Yes, sir.

Q. What were you discharged from the service for?

A. I decline to answer that question.

Q. What were you discharged for? Was there anything disagreeable about it?

A. I don't think it is a matter of public interest.

Q. Certainly it is, because you are a public officer. Now if there is anything disagreeable to you in it——

A. There was nothing criminal about it.

Q. I suppose not. Hence, I say that if you do not like to answer you need——

A. The papers were full of it at the time I was discharged.

Q. That is the reason why I want to know?

A. I was discharged for an alleged neglect of duty.

Q. You do not think you neglected your duty?

A. No, sir; I do not think so myself.

Q. No; of course not. You remained for duty until the first of the year?

A. Yes, sir.

Q. Then the Mayor reinstated you as a patrolman?

A. Yes, sir.

Q. And since then you have been doing private detective work?

A. Yes, sir.

Q. Why is it you are not under the chief of detectives?

A. There are many special officers in the City of Philadelphia not under the chief of detectives.

Q. They are not all under him?

A. No, sir.

Q. Are there any other private official like you who receive orders from Chief Stewart.

A. That I cannot say. I do not know.

Q. It was rumored in the city that you were engaged in other occupations during the last three or four months. Was there any truth in that?

A. I did not have any other occupation.

Q. Did you engage in the service of any other person or persons, since the first of January.

A. Not one.

Q. Did you do work of any kind, or perform any services for anybody in New Jersey, or in Philadelphia, except for the city of Philadelphia, in this year.

A. No, sir.

Q. But still you decline to say what you were doing at Atlantic City.

A. I certainly do. I report to the Chief of Police, and he would be the proper one to tell.

Q. Perhaps he might explain. He knows what you were doing?

A. I do not know what he would explain.

Q. Did he know what you were doing?

A. Yes, sir.

Q. Of course, then he was satisfied with you?

A. Yes, sir.

Q. You were merely carrying out his orders?

A. Yes, sir.

Q. How long were you at Atlantic City at one time?

A. What do you mean by that?

Q. I mean how long consecutively, without coming back to the city; were you there a month at one time?

A. No, sir

Q. Were you there two weeks at any one time?

A. No, sir. I was back and forward all the time.

Q. What was the greatest number of days or weeks you were at Atlantic city without coming back to this city?

A. No number of weeks. I was up here, back and forwards. I was up here every week.

Q. Where you there every week?

A. I was up here every week.

Q. Did you live at Atlantic city?

A. My family has been there every summer for ten years.

Q. Perhaps you went down in the afternoon, like a great many others, and came back in the morning. Did you stay there as long as a week at a time?

A. Not so long as that.

Q. Is your family down there now?

A. No, sir; they are living at 1810 Camac street.

Q. You have just moved in?

A. Yes, sir; on last Wednesday, in time enough to get on the extra assessment.

At this point the committee adjourns to meet to-morrow morning, September 8, 1886, at ten o'clock.





# FOURTH DAY.

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## SELECT COUNCIL CHAMBER.

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PHILADELPHIA, *September 8, 1886.*

The Committee re-assembled at 10 o'clock A. M., this day, in the Chamber of Select Council, pursuant to adjournment.

Present:—Mr. Roberts in the Chair; Mr. Eckstein, Clerk, and the following members of the Committee—Messrs. Edwards, Bardsley, Iseminger, Claridge, Clay, Reinstine, and Lawrence, President of Common Council; of Counsel—Mr. Warwick, the City Solicitor; Messrs Earle, Brightly, Ruddiman, and White, as representing the Mayor.

### AN OMISSION.

In the rush in getting out a transcript of my notes of yesterday's testimony the following, which should come in on page 197, just previous to the testimony of Mr. Stevenson, was overlooked:

SAMUEL B. COLLINS

*Stenographer.*

At this point Mr. Ruddiman, of counsel for Mayor Smith, who had been absent from the Chamber, enters,

Whereupon—

Mr. Roberts, Chairman :

I wish to state to you, Mr. Ruddiman, that the subject of the payment by Daniel Rosenthal has just now been under inquiry. The Committee having been informed that if the matter of this payment could be made plain his Honor, the Mayor, desires to assume the responsibility for it, and to pay the amount into the City Treasury. If you have any cross-examination to make of the witness in this respect you are now at liberty to do so.

Mr. Ruddiman :

At an earlier stage of this investigation I made an effort, on the invitation of the Committee, to cross-examine a witness concerning this matter, when I was informed that this was an *ex parte* proceeding, and that I could not further proceed in that direction. I have only to say that I now understand my position, and will maintain my self-respect by not asking any questions of the witnesses.

Mr. Roberts, Chairman :

I notice the presence of his Honor, the Mayor. Does he desire to be heard before the Committee ?

Mr. White, of counsel for the Mayor :

We have handed to the Chairman of the Committee a list of witnesses, as we were requested to do yesterday—of such witnesses as could throw light upon the facts that have been shown. Having been shut out from taking an active part in the proceedings, of course we don't propose at this late hour to do so. But we have furnished to the Committee the means for information, and we presume that, as they are anxious to receive information on this subject, it will be their pleasure to call the witnesses whose names we have given. Their names appear on the paper we have handed in, and I think they are all present, including my client, the Mayor.

*John McLaughlin*, being duly sworn, according to law, testifies as follows :

Examination by Mr. Roberts, Chairman :

Q. Where is your residence ?

A. 1505 Green street.

Q. We have been listening to the proof of certain charges made against his Honor, the Mayor, in the management of his Department, and we would be pleased to hear any statement you have to make.

A. I have no knowledge of the charges that I have seen in the papers at all. I came here at the request of General Stewart, the Chief of Police, to answer any questions you may have to put in relation to the purchase of revolvers and ammunition. I have no other knowledge, except on that subject.

Mr. White : I desire to say that Mr. McLaughlin can furnish all the facts in relation to the revolvers, their price, etc.

By Mr. Roberts, Chairman ;

Q. Did you furnish the revolvers to the Police Department ?

A, Yes, sir. I will say, in explanation, that during the time of the labor troubles, the riots in different parts of the country, we received a letter from Smith & Wesson, mauufacturers of revolvers, enclosing a copy of a letter from General Stewart, in which inquiry was made about the rates at which that firm could supply revolvers of a uniform character, weight and calibre ; and they requested us, as their agents, to see the police authorities in regard to the matter. I called on General Stewart and stated the case. He said that they proposed to arm the police, and were looking around for the best revolvers at a moderate price, and asked what our quotations on them would be. I gave him the lowest price at which they could be had, for that kind of a pistol—of 32 calibre, double action, Smith & Wesson. The price at that time in the largest quan-

tity was \$9.35. He said that the men had to pay for these pistols out of their own pockets, though probably they would be reimbursed by Councils, and that it was on that account that he wanted to have the price as low as possible, and said that other pistols had been offered him at lower prices. He requested me to write to the manufacturers, stating all the circumstances, and see if we could not get an abatement in the price. I said that the firm was very strongly fixed in their prices, and I did not think they would make a reduction; but we wrote a letter to the manufacturers, stating the circumstances in the case, and there was a great deal of correspondence and telegraphing, and we were finally authorized in their name to put them at any price that we thought proper. In consequence of this we fixed the price to General Stewart at \$7.50, which was \$1.85 below the lowest wholesale price. He accepted that price and gave us the order.

Q. Then he used due diligence in regard to getting a low price?

A. Well, he got them at \$1.85 lower than I had any idea they could be bought for—\$1.85 lower than the lowest price. If you were to give an order for a thousand of them, \$9.35 would be our price.

Q. Are they as good a pistol as could be had for that price?

A. Yes, sir; he wanted pistols of a certain weight and calibre.

Q. How many did you supply?

A. The order was for fifteen hundred, and we supplied twelve hundred and odd, and are still carrying one hundred and fifty until the time when there are funds to buy them.

Q. So he bought below the market price as good a pistol as any other in the market?

A. Yes, sir; \$1.85 below.

Q. Was there anything extra with the pistols that increased the price to the officers ?

A. The order embraced a box of fifty cartridges for each revolver, and a leather holster. The cartridges were charged to the police at the lowest price, at which they are put up by the million, \$6.60 per thousand, which made the price for fifty cartridges 33 cents. The holsters we had manufactured as well and as cheaply as possible, at \$2.50 per dozen, and I was told that the police paid cost price, 33 cents for a box of cartridges and 21 cents for the holster, making the total which the policemen had to pay, \$8.04.

Q. Then there appears to have been nothing made out of that by the Department, so far as you know ?

A. Nothing, whatever ; I think the policemen could get a dollar or two advance on each pistol to-day.

Q. Then they could be resold at a profit ?

A. Yes, sir.

*James Stewart, Jr.* being duly sworn, according to law, testified as follows :

Examination by Mr. Roberts, Chairman.

Q. What is your business ?

A. I am the Chief of Police.

Q. We will be pleased to hear any statement that you wish to make with regard to these charges against Mayor Smith. You are probably informed about them ?

A. Yes, sir. I will say that I am in ignorance regarding most of the charges. The only thing that I thought especially affected my branch of the service, is the question arising as to these pistols. There are some other things, of course, about the men being placed upon the rolls, and the way in which they have rendered their services that I am somewhat familiar

with. I am ready to answer any questions the Committee shall ask. Also I can give some information regarding the fines imposed upon the policemen. That was a question that was asked Mr. March yesterday, and probably I can give you some information about it.

Q. Please tell us anything you want to about that?

A. When the present administration first went into power, my first punishment for a slight dereliction consisted of charging the man—that he should lose his pay from the city. After a short time, however, I concluded that those people who had rendered services to the city and received no pay for them, might probably have just cause to mandamus the city, and so I changed that course and instituted a set of fines; but in a short time that was changed again and we concluded not to fine them, except under rare circumstances, but to suspend a man for a slight dereliction and to put a sub on. During 1884 the fines that were imposed upon the men were brought in by the lieutenants, after the men had received their pay, and were handed directly to me, and I paid the money over on the same day to the City Treasurer. I have my receipts from the City Treasurer for them—the same day when I got the fines. On September 6th I turned into the City Treasury \$69.02—in 1884. On October 7th, \$16.66; on October 10th, \$9.52; that embraces all the fines for that year.

By Mr. Clay:

Q. Upon what dates had those fines been imposed?

A. In the month preceding that in which they were turned into the City Treasury. If they were fined in August they would not get their warrants until September, and then they were turned over to the lieutenants, and they would take the amounts,

Q. You got the warrants on the first of the month?

A. No, sir; rarely before four days, and sometimes six or seven days after.



Q. Say that you got them on the fourth—you would deduct the fines from the officers punished?

A. Yes, sir.

Q. What was done with the money?

A. It was handed to me, and on the same day I always sent it to the City Treasurer.

Q. On the very day?

A. The very day received. You notice that the largest amount was on September 6th. So that they got the warrants on the 4th, then the next day the lieutenants would bring the money down if it was not a Thursday, which was the lieutenants' day off.

Q. And you turned it in at once?

A. Yes, sir; I can say that I did that regardless of any ordinance that required it, but upon principle, as I never want to hold money that don't belong to me.

By Mr. Iseminger:

Q. The city got it?

A. Yes, sir.

By Mr. Roberts, Chairman:

Q. The moneys did not pass through the Mayor's office?

A. No, sir.

Q. He knew nothing about it?

A. No, sir. It was part of the discipline of the force that he entrusted to me. Shall I tell you about the pistols, or are you satisfied on that point?

By Mr. Clay:

Q. What did you collect in 1885 and 1886?

A. Very little. I have been somewhat careless about it from this fact, that it was so very rarely that fines were imposed, but I have been in the habit of immediately handing them to Mr. March. As to the dates or the amounts that he received, I don't know that I can tell you, because no ques-

tions were raised about the amounts paid in. The fines have been only imposed in particular instances. Since the patrol service has been in operation we fine a man if he loses a day, in case he can give no proper excuse for failure to report, and for a repetition we charge him a day's pay, and make him pay the cash in. In July—it was paid to me in August—I fined two men who were brought before Magistrate Lennon, and behaved in an unofficer-like manner, and I read a letter about it which was read over the desk, and fined one two days' pay, and the other one day's pay.

Q. And that money you paid into the hands of Mr. March?

A. Yes, sir. When it was paid to me it was probably in my possession a couple of days, until he would come to the office. Once he was away sick. Now, regarding the pistols concerning which Mr. McLaughlin spoke. When the difficulty occurred between the police and the rioters in Chicago, we awoke to the necessity of arming our police force properly in order to meet any emergency. I found that they were armed with pistols of their own, which they had purchased of every conceivable calibre and pattern, and that probably it was more dangerous to stand in the rear of some of those pistols than in front of them if they would happen to be fired off. I recommended it to the Mayor to have our force armed with serviceable weapons of a uniform calibre, and I opened negotiations to that effect. I communicated first with Marvin, Hurlburt & Company. Their price was \$8.50 independent of the cartridges and the holster. I know something about weapons myself, and I had a preference for the Smith & Wesson revolver, provided that it could be got cheap enough. Then I sent a communication to their factory, not knowing their agents in this city, and told them what we were about to do, and asked them for their lowest figure if we should give an order for probably ten or twelve hundred of the revolvers. They wrote that their agents here, E. K. Tryon & Co. and J. C. Grubb & Co., and perhaps they mentioned others, would furnish the pistols at the wholesale

price of \$9.30 each, which was too much ; and I then wrote a personal letter to Mr. McLaughlin, stating the circumstances ; that there was no appropriation made by Councils, and that it would be too much of a burden to put upon the men to ask them to pay that price, and asking him to use his influence with the factory, if he could, in order to get them at a less price ; that I couldn't accept the price that had been fixed, although I preferred that pistol. In the meantime, Marvin, Hurlburt & Co. offered me a drawback of \$1, which brought their price down to \$7.50. During the negotiations, when about to close with Marvin, Hurlburt & Co., Mr. McLaughlin brought a dispatch from Smith & Wesson, telling me to make a price the same as was offered for the other makes. He asked me what the price was, and I told him. He didn't know. I told him \$7.50, and he was astonished. But he fixed the price, and said you are getting the cheapest pistol that I ever knew them to make and sell, and that no man, if it was an order for a thousand or any number, or no matter what the number was, could get them at such a price. But he says here is the telegram which justifies me in doing so, and I accept that figure. Then, of course, we wanted cartridges, and wanted pocket holsters. Those things we furnished at the figures named by Mr. McLaughlin. I sent an order out to the Police Force stating the necessity for every man being armed with a serviceable weapon, and stated that we would negotiate for the purchase of the weapons at the lowest price ; and I told the lieutenants to take the names of the men and the weapons they had on hand, and what kind they were, so that we could know how many men ought to be supplied. They did so. I had stated that we would probably need 1,500, but I purchased 1,208, all of which were delivered and paid for. Only there are a few on hand, nine or ten, which comes from the fact that some policemen, who had engaged to take them, fell by the wayside, and didn't care to go to that expense. When others are appointed, they will purchase them.

By Mr. Roberts, Chairman.

Q. Are you able to tell the Committee anything about the special officers, concerning whom the Committee have been inquiring? You know the testimony?

A. If the Committee have not already received full information on that subject any information I can give is at their service. I think that almost everything has already been told before the Committee. I noticed in the testimony of Mr. Gray, yesterday, that in giving his testimony he refused to give full answers, which arose from the fact, I presume, that when we detail a detective or special officer upon any special case it is strictly secret work. You can understand the reason for that. But I think he might have clothed his answers in different language before the Committee. He went too far in that respect, Mr. Gray was discharged from the force under a misapprehension of the facts, and after the facts became known to the Mayor he desired to do the man justice, and he said he would put him back upon the force. Mr. Gray preferred not to go back on the detective force, and said that he would do special service, and we then assigned him to the Fifth District. I told the Lieutenant that if he had any case or any service in that District that he could put him on that he should do so, and I then detailed him for a number of different secret service duties. I cannot specify them just now. I was under the impression that he had done his duty as an officer. If he had not, of course, I would have reported him to the Mayor. We cannot, of course, always keep track of these special officers when they are out on the streets. The necessity of special officers instead of uniformed men can readily be seen—the advantage can readily be seen. The uniformed officer has a prescribed beat—his line of march is defined, whereas the special officer, who goes in citizen's clothes, can go everywhere, in every part of the city, and besides cannot be so easily discovered by the criminal classes, as men in uniform. Their service is a very valuable service, and it could be made most valuable if all the special officers were best qualified to perform their duties.

Q. Do you know Warren King?

A. I do not.

Q. There was such a man on the force?

A. There was.

Q. With such a name?

A. There was.

Q. You don't know him?

A. Not personally. There are a great many men on the force that I don't know in that way—only that they are on the roster.

Q. Is there such a man as Warren King?

A. There is.

Q. Is that his name—his right name?

A. That I won't say. But he did such service as is represented by Warren King upon the force. Chief Kelly came to me and stated that he had a man who could render incalculable service to the department if he would pay him, and he wanted to know if the man could be put upon the force. We had a conversation about it, and I stated if this man can render particular service for the pay, I cannot see any reason why any trouble should come in. Then he was taken and sworn into the service, and I presume has received his money every month. I have no doubt of it at all, from the fact that Chief Kelly had informed me about it, and I have the utmost confidence in the integrity of Chief Kelly. Then I know of most valuable service which has been rendered through this man.

Q. How many men of that sort have you on the force?

A. I cannot call to mind. Two men have been mentioned, but I don't know of any such man on the force now. I don't know of any man who is drawing pay improperly. There is no man but who is drawing his pay properly in every way. There were two men mentioned—Lang and King. My answer regarding Warren King will apply equally to Mr. Lang.



Q. What service did John F. Smith render in the department?

A. He was an officer assigned to the fifteenth district where there was a vacancy, and assigned on special duty at the Twenty-fifth district station-house to superintend the alteration and fitting up of the building, and to see that all the material that was furnished was proper, and that everything was good and everything was carried out; and the understanding was, at the time he took the position, that as soon as the work was completed he would resign his position, and when it was completed about the 3d of September he tendered his resignation. And I can say that Mr. Smith, like a good many others, was out of town, but that when I saw these names mentioned I telegraphed for them to come home and they all came, and Mr. Smith came with the rest. I have no doubt that he is ready to testify before you. He was here yesterday, and I saw him around this morning.

By Mr. Clay:

Q. What district did you assign Alexander Gray to?

A. The fifth district.

Q. Did he report to you?

A. To me, and to the lieutenant, of course. As I stated to the lieutenant, he could have him whenever he needed him for any service unless I had him on some special case.

Q. When was he first placed on the roll for that work?

A. From the date of his appointment. I have not got it in my mind just now. It was somewhere about the first of the year.

Q. The Controller told us that he appeared continuously to run since the first of January?

A. It commenced from the time that he was put in the service.

Q. How often since then has he reported to you?

A. I will state that very likely I have seen him two or three hundred times. I cannot tell how many.



Q. Would he come to you daily and report?

A. No, sir. Sometimes I did not see him for three or four days.

Q. Would he come weekly?

A. Yes, sir. I have seen him oftener than once a week.

Q. Have you any knowledge of any special duty you assigned him to perform in any particular section of the country?

A. I assigned him in connection with another officer to go to Pottstown, and if I recollect I sent him once somewhere else; but I don't know where. I cannot tell just where he was on duty, but I sent him out. I would like to say, further, that he was instructed to work in connection with the detectives on any occasion on which they needed his services, and he has done such work. He has so reported to me.

Q. Can you call to mind how long he remained at Pottstown on police duty?

A. A couple of days.

Q. Can you call to mind whether you have sent him anywhere else?

A. I think I have, but I cannot specify just now.

Q. Did you send him to New York on police duty?

A. Yes, sir; almost daily we have to send some of the officers to New York.

Q. Did you send him to Atlantic City on police duty?

A. I never sent him there on police duty; he had my permission to go there in this way: We exact from the officers of the Department when they move that they must get permission from the Department; Mr. Gray asked permission to move, I think about two months ago, from the house he lived in in the Twenty-eighth Ward; he said that his family were sick, and he thought that it would do them a great deal of good if they should go to live in Atlantic City for a couple of months, and he asked me if there was any objection to his taking his family down there where he could go every now and then when he had no special duty to perform—when he could

just jump on a train and go down there ; I told him that I did not know of any objection to that.

Q. That was about two months ago ?

A. I think so.

Q. How often since has he reported to you for duty.

A. Certainly I have seen him once a week, and sometimes I have seen him three or four times a week.

Q. Then, so far as you are concerned, you have no particular knowledge that he has been doing police duty all the time ?

A. Not daily ; it is just the same as with all special officers.

Q. Who certified to his time ?

A. The lieutenant of the district.

Q. Whom did he get the information from ?

A. He took it on the assumption that when a man is detailed for duty outside he makes full time, otherwise it would be reported to me.

Q. Some of the officers have said that they got the time from headquarters where the specials were assigned for duty ?

A. I think that was meant with reference to the special roll at headquarters, which Gray was not on.

Q. That had reference to such men as Stanwood and Tait, and King and Bye.

A. Well, Tait and Bye are on the special roll ; the others are on the district rolls ; whether those rolls are certified to by Mr. March as Chief Clerk I cannot say ; I never certified to them.

Q. How so ; it was Gray's duty to report to Lieutenant Usilton ?

A. Not regularly ; these special officers report to the lieutenants when their duties are confined to the district.

The evidence we have before us as given by Chief Kelly concerning this man, is as follows :

Q. Do you know Alexander Gray ?

A. Yes, sir.

Q. Does he report to you?

A. No, sir; that was a mistake of the Lieutenant.

Q. What part of the department does he report to?

A. I believe he is under Chief Stewart, but I am not positive about that. I have seen him up and down in the Chief's office. That is Chief Kelly's testimony.

Q. He did not report to you?

A. I don't believe he did.

Now, Lieutenant Usilton testifies as follows:

Q. Do you know A. K. Gray?

A. Yes, sir.

Q. How long has he been on the rolls in your department?

A. He went on January 1, 1886.

Q. Is he still on?

A. Yes, sir.

Q. What sort of work does he do?

A. He is on special duty under the charge of Chief Kelly; that is an error.

Lieutenant Usilton further testifies as follows:

Q. Does Officer Gray ever report to you?

A. I have seen him frequently.

Q. What is his name?

A. I always thought he had a middle name; now they say it is plain Alexander Gray.

Q. How long have you known him?

A. Some time.

Q. How long has he been in the service?

A. Fifteen or sixteen years.

Q. In what capacity?

A. He was a patrolman for some years.

Q. And then what?

A. Then a detective awhile down here.

Q. He is the man commonly known as Alec Gray?

A. Yes, sir.

Q. He is on your roll as A. K. Gray?

A. Yes, sir.

Q. You get his time from Chief Kelly?

A. Well, if he loses any time they would report it to me and I would dock him.

Q. Now in the light of that evidence, how was it possible for him to receive pay for each one of the months that have expired since the first of January? He makes no report to the Chief of Detectives, and he doesn't report to the Lieutenant of the district to which he was assigned, and you say you have not seen him daily, yet he has been drawing his pay daily?

A. I couldn't see him daily as he was sometimes sent out on special duty, and I remember an instance when he was with the Fire Marshal at one time. Frequently he would be sent to New York and he couldn't report daily, and Lieutenant Usilton was right from the simple fact that a man would have to report at stated hours daily or be marked absent without leave. In the case of Special Gray he couldn't report daily to him, and, therefore he didn't report in that sense of the word.

Q. So, according to Lieutenant Usilton's testimony, to whom this man Gray was not responsible for any of his acts upon any particular day, when the Lieutenant made up the time, it was upon information from headquarters, representing that it was from Chief Kelly when he made up the allowance?

A. That is a mistake; he has fallen into a very natural error. In regard to an order assigning a man coming from headquarters, and knowing what was his particular line of duty, he has taken it for granted that he reported to Chief Kelly. Such is not the fact. I used him to get a variety of secret information that I wanted, and that information I suppose I laid before Chief Kelly.

Q. Had he any police duty to perform at Atlantic City this summer?

A. No, sir; not to my knowledge, except getting hold of some cases while he was down there about parties in this city.

Q. Is it not a fact that he was some two or three months at Atlantic City?

A. I only know that from what has been stated in the newspapers. He can best answer that himself. I have no knowledge of it myself—that Special Officer Gray was there for two or three months. If he or any other officer would go off for two or three months he would be dropped from the roll. You can take it for granted that there could be no such instance known and that officer remain on the roll. I know he has rendered a great deal of service, but as to accounting for every day of his time, that I can't do.

By Mr. Bardsley:

Q. Mr. Gray testified here yesterday and answered the questions put to him just as it suited him. He said that he was appointed about January 1st, on the force.

A. Yes, sir.

Q. And that of the time since that time to the present there were about two months that he couldn't account for. That had reference to the time spent, I presume, in Atlantic City. Now you resided there this summer?

A. Yes, sir.

Q. Of course you had opportunities of seeing him there?

A. Yes, sir.

Q. Is it not a fact that he was whole days and weeks there together?

A. I could not state that fact. While I have been at Atlantic City for the last two years I have been there only one day on a week-day. Consequently when I got there at night I would have very little opportunity to see him. I do not suppose during the summer that I saw Officer Gray in Atlantic City;

or I can't recollect seeing him, or having met him more than on three occasions until within the last two weeks, when he was working up a case of robbery down there.

Q. He had every appearance of a gentleman who had summered there?

A. Well, yes.

Q. With the healthy glow and ruddy look that attaches to people who live at the seashore or in the mountains. He was, of course, not very communicative to us, I will tell you, because he said it was against the interest of the Police Department. You have been much more communicative than he was.

A. Well, I would like to state that there was no occasion on his part to withhold an answer to any question of the kind as to whether he was down there or whether he spent his time at Atlantic City. That is not one of the secrets of the police service. The secrets of the police service are where in certain cases men are sent to ferret out matters, and of course they are confidential. Such cases of course you know of. I know of a great many of them, and I know that in them Mr. Gray performed service. As to whether he took up his residence and spent the major portion of his time there for the last two months in Atlantic City, I can't say. I can say that I have seen him once a week and sometimes oftener in Philadelphia at my office.

Q. He was discharged through a misapprehension, I understand?

A. He was. The Mayor desired to do the man justice after he had got at the exact facts of the case. The cause of his discharge was apparently a very just one, but when we arrived at the facts in the case the Mayor found that he had made a mistake as to the facts, and he reappointed him.

Q. How many patrolmen have you on the force?

A. Twelve hundred and fifty—that is, what we call patrolmen.



Q. I mean other than lieutenants and sergeants and detectives.

A. Yes, sir.

Q. How many of those 1,250 patrolmen are detailed for special duty?

A. We generally make it a point to have two special officers in each district.

Q. How many districts are there?

A. There are twenty-four districts, or twenty-five, counting in the reserves.

Q. The new district is not organized yet?

A. No, sir. They have twenty-four stations, and the Central Station, which makes twenty-five.

Q. Then that would make fifty of these officers?

A. Yes, sir. We have in the First District at present only one, and only one on the Reserves. He does night duty at the Central Station.

Q. How many specials have you at present?

A. We have, with the exception of the First District and the Reserves, I believe two in each district.

Q. One district was testified to yesterday as having five in it—the Frankford District, I think; but I am not sure about it.

A. I think that is a mistake.

Q. Where is Lieutenant Dungan?

A. In the Fifteenth District—Frankford.

Q. He has five specials?

A. Not on duty in the district.

Q. No; but detailed from that district, and chargeable against the district.

A. Did he mention the names?

Q. Yes.

A. Well, I can better tell you if I know the names.

Q. Well, Ash is one. What are his duties?

A. He was appointed to fill a vacancy which occurred in the Fifteenth District, and was assigned to Captain Quirk, whose duty it is to see about what is called enforcing ordinances—over the whole district.

Q. Who had filled that position before—anybody?

A. A man by the name of McClurg, but he was very sick, recently, and unable to go around.

Q. Now, after Mr Ash was Mr Baldwin?

A. He was a lieutenant of the district.

Q. That is two?

A. Yes, sir.

Q. I will read to you from the testimony given before us by Lieutenant Dungan, which is as follows:

“Q. How many special officers have you on your roll?

A. Two.

Q. Baldwin is one, and who is the other?

A. Ash.

Q. Are you accustomed to carrying two or more?

A. Accustomed to carrying two.

Q. How long have you been lieutenant?

A. Since August, 1884.

Q. Since that time have you carried more than two?

A. No, sir.

Q. Have you carried two all the time?

A. No, sir.

Q. Then you have carried one?

A. I carried one until Ash was appointed.

Q. Only Mr. Baldwin?

A. Yes, sir.

Q. Have you any other special officer?

A. I have one patrolman, detailed, acting as a special officer, wearing citizen's clothing. That is a special officer for the district.”

Q. That is very true. I will read to you further from his testimony :

“Q. In the district ?

A. Yes, sir.

Q. I mean detailed out of the district. You have only two detailed out of the district—Ash and Baldwin ?

A. There are three men besides those detailed out of the district.

Q. What are their names ?

A. Harry Stanwood, who is detailed in Court, and John Wear, who is detailed to Chief Kelly. Harry Stanwood is carried upon the detective office roll.”

Q. And he says further : “John Wear who is detailed to Chief Kelly.”

A. Yes, sir.

And Alfred Bye ?

A. Alfred Bye is what is called a horse detective.

Q. That makes five out of that one district ?

A. Bye was formerly in the Twenty-first District, and was transferred to the Fifteenth District. He and Stanwood are both detailed at headquarters, under Chief Kelly.

Q. How many such officers are there in the several districts. You have stated there were two in each district, and you have been referring to one district where there were three.

A. I can give them all to you. In the First District there is one special.

Q. Is that one over and above two ?

A. No, sir ; altogether. In the Second District there are two. If there are any other specials it is only for temporary duty.

By Mr. Clay :

Q. Just give us the districts as they come. How many are there in the First District ?

A. One.

Q. These men don't come out of the districts?

A. They are specials in the districts, but sometimes go out of them.

Q. But as a rule they are there?

A. Yes, sir.

Q. Now, how many in the Second District?

A. In the Second District, two.

Q. The Third District?

A. Two.

Q. The Fourth District?

A. Two.

Q. The Fifth District?

A. Three.

Q. Why are there three?

A. Mr. Gray is the extra man assigned to that district.

Q. Well, the Sixth District?

A. There are three.

Q. Who is the third man?

A. John Sheddon, who is assigned to duty in the Equipment Bureau.

Q. In the Seventh District?

A. One.

Q. In the Eighth District?

A. There are two.

Q. In the Ninth District?

A. There is one regular special and one man detailed as a special.

Q. To do duty in the district?

A. Yes, sir.

Q. Now, the Tenth District?

A. There are two.

Q. The Eleventh District?

A. One.

Q. And the Twelfth District ?

A. Two.

Q. The Thirteenth District ?

A. One.

Q. The Fourteenth District ?

A. I think we have one special there.

Q. And the Fifteenth District ?

A. There are three.

Q. What is the third man for ?

A. They are Ash and Baldwin and a patrolman. This is not including two men placed on the rolls down at headquarters—Stanwood and Bye.

Q. Now, give us the Sixteenth District ; how many men are there ?

A. Two.

Q. And the Seventeenth District.

A. Two.

Q. The Eighteenth District ?

A. Two.

Q. The Nineteenth District ?

A. I believe we have two there.

Q. And the Twentieth District ?

A. Two.

Q. Now, the Twenty-first District ?

A. One.

Q. And the Twenty-second District ?

A. Three.

Q. Why do you have three there ?

A. We have one for Captain Albright, the same as in Captain Quirk's district, to go over the district and enforce the ordinances.

Q. Who is that man ?

A. Mr. Rulon.

Q. What do the other two do ?

A. Special service in the district.

Q. Who are they ?

A. Fulton and Vanderslice.

Q. Now, how many are there in the Twenty-third District ?

A. Two.

Q. And in the Twenty-fourth District ?

A. Two.

Q. Do you have any specials in the Reserves ?

A. No, sir ; I was under the impression that this man Wear was on the Reserve roll, but you called him as coming from some other district.

Q. From Lieutenant Dungan's ?

A. Yes, sir ; I was under the impression he was on the Reserves.

Q. What are the limits of Captain Albright's Division ?

A. His command embraces the Twenty-second and Twenty-third, and Thirteenth and Fourteenth Districts.

Q. What section of the city ?

A. The northwest.

Q. West of what street ?

A. West of Broad street and north of Girard avenue. It is Germantown, Manayunk, the Falls of Schuylkill, &c. Captain Quirk's Division embraces all northeast.

Q. As I understand it, the number of specials which you have given in each district are the men who do particular duty in those districts ?

A. Yes, sir.

Q. Mr. Gray has been upon special service ?

A. Yes, sir.

Q. And Mr. Sheddon has done special service ?

A. Yes, sir.

Q. And Mr. Ash ?

A. Yes, sir.



Q. And Mr. Baldwin?

A. Partly special service.

Q. And Mr. Stanwood?

A. Special service.

Q. And Mr. Rulon?

A. Special service.

Q. What would you define as the character of the service of Mr. Gray to distinguish it from the service done by Mr. Sheddon?

A. Well, it is really detective service.

Q. And Mr. Sheddon is connected with the Equipment Bureau?

A. Yes, sir.

Q. Mr. Ash has charge of enforcing city ordinances?

A. Yes, sir.

Q. And Mr. Baldwin?

A. He is on duty in the district occasionally and attends to the receiving of coal, and attends sometimes to the repairs in the station houses.

Q. And Mr. Stanwood is in the court?

A. Yes, sir; every day.

Q. And Mr. Bye?

A. He is at headquarters and takes charge of cases of horse robbery.

Q. And Mr. Rulon?

A. He reports to Captain Albright to aid in enforcing ordinances.

Q. According to what you have said to the Committee, it seems that Mr. Ash has charge of the duty of enforcing city ordinances in that section bounded on the west by Broad street and south by Girard avenue. He takes in all that section of the city?

A. Yes, sir.

Q. Why do you not have specials to enforce those ordinances in the portion of the city south of those districts?

A. We have.

Q. Who?

A. We have Officer Milampy and another man by the name of Daly.

Q. What district has Mr. Milampy charge of?

A. The Twentieth.

Q. Is he one of the specials there?

A. He is a special under charge of the captain.

Q. Who is the other man?

A. Daly.

Q. What district is he assigned to?

A. The Sixteenth. I think Milampy is under Captain Brown, and Daly, under charge of Captain Edgar.

Q. What do you mean by being detailed to "enforce city ordinances"?

A. Well, they go along the street and where there are signs up in violation of ordinances, about which neighbors to them complain almost daily. They look up and see if there are any signs in that way, and they endeavor to correct that.

Q. What other ordinances do they enforce?

A. Where there are any nuisances they see they must report them. In a great many cities they have a regular force for that purpose—ordinance sergeants—officers whose duty it is to go about in the day-time and attend to the enforcement of city regulations.

Q. Is there anything to prevent the regular patrolmen from attending to this duty?

A. Well, they don't dare to leave their beats, and consequently they cannot follow such things up.

Q. Why is it necessary to leave their beats? Suppose that a sign is hung contrary to law, would it not be their duty to take cognizance of it, and report it to the Department?

A. It ought to be.

Q. And if the garbage is not collected would it not be their duty to report it to the Department ?

A. We have such reports coming in constantly.

Q. Then don't you think these specials could be dispensed with ?

A. They could, undoubtedly ; but at the same time they are valuable in that particular line. We have their reports, and I want to satisfy your minds that they are very full of information, and full of a great deal of good work that is performed by these officers.

Q. What sorts of reports are they ?

A. They make regular reports to the Captains of the Divisions.

Q. Verbally or in writing ?

A. In writing. They contained the number of parties notified, and the arrests made, and the fines, and so on. These officers look after the licenses of the hucksters—see to it that they have licenses.

Q. Now, you say that these special officers make reports to the captains ; do the captains report to you ?

A. They report once a year in full to headquarters.

Q. That is the only report you get ?

A. We get special reports on special cases. We are always doing that when they want to ask advice.

Q. When Mr. Gray does duty, does he report verbally or in writing ?

A. Verbally.

Q. Not in writing ?

A. He has never been required to.

Q. How many cases has he reported to you since the first of January ?

A. That would be a difficult matter to say.

Q. Well, about ?

A. Well, he has reported to me, I should say, thirty or forty different cases. I do not know the number.

Q. How many within the last two months?

A. There were some small cases and some cases of some importance. I suppose he would average a couple of cases a week—would average that many. In the summer time we have many men on duty outside of this man mentioned. Sometimes we place the whole house squad on duty at a place where we fear it may be overrun by a mob. In such a case, we place that squad on duty. Sometimes it may be only a part of the squad, and sometimes the whole squad, in citizens' clothes. Of course, it is only a temporary measure.

Q. Now, in the Sixteenth district you have accounted for three special officers. You gave us Mr. Daly. Can you call to mind the names of the others?

A. Johnson and Stevens.

Q. Are there any other officers there doing special duty?

A. There may be, but I cannot call the fact to mind just at present.

Q. Do you know Officer McKinley—whether he is, on the pay roll?

A. He is a new officer.

Q. What does he do?

A. He was ordered to report to Captain Edgar, to look after the enforcement of ordinances and nuisances.

Q. Then he helps Officer Daly?

A. Yes, sir.

Q. Do you know Officer Andrews, on the pay roll?

A. Yes, sir.

Q. What is his duty?

A. He has been an assistant to Mr. March in the office at headquarters.

Q. What assistance has he been rendering there?

A. I believe he has been filling out warrants, or the stubs thereof; I don't know particularly.

Q. Were not Councils informed when they made an appropriation for a secretary and additional clerks at headquarters

that no more patrolmen would be taken from the districts and put to work in the Mayor's office?

A. I know there was something of that kind.

Q. But still Mr. Andrews was taken off to do that work?

A. I don't think he has been taken on there since the ordinance passed.

Q. Where is he located?

A. At headquarters—at a desk.

Q. How long has he been there?

A. I cannot say.

Q. How long has it been since he performed any duty in his district?

A. I cannot tell you. I don't think he ever performed any duty in his district. I think he has always been on detail duty—since his appointment.

Q. What duty does Mr. Andrews perform—do you say?

A. I should call him an assistant to Mr. March.

Q. And what is the character of the labor he performs?

A. I have noticed him with the warrant book, filling up either the body of the warrants or the stubs.

Q. Can you give me the name of the man who occupies the position of warrant clerk in the Department?

A. It is Ezra Lukens. He may be considered an assistant to him instead of to Mr. March. But I know he is working there.

Q. He is working there now?

A. Yes, sir. Mr. March is no longer in the office.

Q. No. I see that he is resigned?

A. Yes, sir.

Q. Why should there be two officers in the Sixteenth District to enforce ordinances, or in that section, and only one in the other section?

A. Well, I can only say that it is a very important district. West Philadelphia covers a great deal of territory,—the

Twenty-fourth and Twenty-seventh Wards. It is almost impossible for one man to get over the entire district. West Philadelphia is about as large as a man can travel over.

By Mr. Bardsley :

Q. As I understand it, you have said that the special officers could be dispensed with and the duties they perform could be performed by the patrolman ?

A. It could be done, but not so effectively.

Q. It is an important matter, because it involves sixty or seventy patrolmen, practically ?

A. The appointment of two special officers for special detective service in each district I consider an absolute necessity. It has always been done, and we have done it. We have not done it on account of having a precedent for it, but because, as I said before, special officers who are thoroughly alive to their duties can, therefore, do work of incalculable value to the city. I would rather have four of them than two if we are sure that they would be diligent and effective in their work in the districts. These crooked people know the officers in uniform—know just where their beats extend ; know when they go one way, and know when they come back, so that they know just when to ply their vocation. They know the patrolmen cannot get back before a certain time. They cannot get on to officers in citizens clothes as quickly. Therefore this a valuable branch of the service. I am speaking of special detective service in the districts.

Q. You are referring now principally to robberies ?

A. Robbing and sneak-thieving, and disreputable people.

Q. Are these specials on duty in the day-time or in the night-time ?

A. Both.

Q. I mean the specials in the district ?

A. Both. Sometimes they take their sleep in the daytime and sometimes in the nighttime. We have specials that have been on duty for nearly twenty-four hours at a time. We lost



one very valuable officer in the Fifteenth District by his remaining on duty forty-eight hours on Frankford Creek to watch criminals—day and night. He contracted a disease by that service from which he died very shortly—within ten days. Then it frequently occurs again that the duties of these men are very light for the time being, and they may not need to be on duty at night. It is their duty to go around to the theatres, for instance. I want them to go to the theatres and railroad stations and wherever a crowd congregates. The first thing they have to do is to become familiar with the faces of those people from photographs that we have at headquarters. Then, wherever a crowd congregates it is the duty of these special officers to mix in with the crowd and see if any of these people are there. We have had during this summer nearly 4,000 houses reported as vacant, where the families have left and gone out of the city and left valuables in the houses. Up to the 1st of August the reports show only six reports of robberies of those houses—that only that number occurred. In two of these cases we recovered the property and arrested the robbers, and in another case we recovered a portion of the property, but did not arrest the robbers. That shows how active we are obliged to be. An officer has to go to such a house and try the front door and the rear doors once during his tour of duty. The orders from headquarters are that the specials are to look out for these empty houses. Of course, they cannot do it as thoroughly as the officers, because they cannot get over so much territory.

By Mr. Lawrence :

Q. Yesterday, when the Chief of Detectives was on the stand, I asked him with regard to Warren King and William Lang. I asked him this question—"Is there a class of detective work to be performed in which the persons who perform it should not be known by any person except yourself?" His answer was—"Yes, sir; it is quite necessary to perform such duty." Do you corroborate that statement?

A. Yes, sir; I do. I consider it the most efficient service the Department can have.

Q. Again I asked him this question—"In such a case you take a person or persons and give them an assumed name on the pay roll, so that it shall not be possible for them to be known as being connected with your Department?" His reply was—"Yes, sir, I do. It is to cover up their identity." Again I asked him—"Is it to prevent their identification that you draw the warrants of those persons, and receipt for them and draw the money and pay them the money?" His answer was—"Yes, sir." Is that the fact?

A. Yes, sir.

Q. He draws the warrants of those persons under those assumed names, and receipts for them and gets the money, and gives the money to the persons acting under those assumed names in the performance of secret service?

A. Yes, sir.

Q. That is to prevent their identification?

A. Yes, sir.

Q. It is for their personal safety and to guarantee that they can continue their work without being known?

A. Yes, sir. I told Chief Kelly that when he came before this Committee, to say to the Committee that the necessities of the service demanded that these men should not be produced in public. But if the Committee in executive session desires, or if any member of the Committee desires it—because these men are *bona fide* men—they will come forward and swear that they received their pay. They have done good service. While it is a system, however, which has been adopted for the advantage of the City to a large extent, still it is a system which I can readily see can be abused. Therefore we have taken hold of it very tenderly, and we do not have any men of that kind on the force to-day.

Q. You say you have no man of that kind on the force to-day?

A. No, sir. It became dangerous for them to continue their work, and their services to the department were therefore rendered valueless. I think one was dropped last year and——

Q. King left the force in December, 1885?

A. They are no longer on the force.

Q. And the other was retained until May, 1886?

A. Until three months ago, I guess.

Q. When there was no further use for his services?

A. Yes, sir.

Q. And there is nobody acting in his place?

A. No, sir. We have use for the service of people of that kind, but inasmuch as this inquiry has come up, I am glad that we have none on the force at present.

Q. Why so?

A. Because it is a system which might be abused if it was in dishonest hands, and we do not want to be placed in such a position.

Q. You don't consider it was abused by you?

A. No—it was not. But these things are apt to be misunderstood by the public. Of course, when the charges were made it was the supposition that there were no such parties as these named, but that others were drawing their pay.

Q. But they had ceased to be on the rolls before these charges were made?

A. That is very true.

Q. Then why do you now feel glad that you have no such people on the force? If you had such men on the force would it not only corroborate you that there was such service?

A. No—I don't see it in that way. I will say that I consider it a very valuable service—if we were authorized to employ these men. But we have no authority to employ people of the kind; although the Mayor, in his power to swear in officers as policemen, I suppose thought he had the right to take the men and detail them for special service.

By Mr. Clay :

Q. I want to ask you one question, because mention of the matter has been made in the newspapers. Is it true that Mr. Gray was a special officer at the Temple Theatre?

A. Not to my knowledge. I never heard that except through the newspapers.

Q. Did you assign him to duty specially at the theatre?

A. I did not. As I remarked awhile ago, we want these officers to go to the theatres and railroad stations, and wherever crowds congregate. I have no knowledge of his receiving any pay from the theatre. I brought the question home to him and he assured me that he had not.

Q. What special duty is Officer McKinley on? He helps Daly?

A. Yes, sir.

Q. Is it true he is also garbage contractor?

A. I understand not. I believe that he failed to carry out his contract and it was annulled. That was before he was in the Department—before his appointment on the force.

By Mr. Bardsley :

Q. Are officers detailed to keep order outside of Philadelphia County?

A. Sometimes.

Q. How are they paid while doing such duty?

A. We detail officers, for instance, at Chester County Fair. We have always, for a number of years, how many I don't know, had two or four officers from Philadelphia there to assist then at the Fair. They pay the officers, and the officer's places on the pay roll are filled by substitutes. In other words, they have leave of absence during that time, as an accommodation to these people. It is the same as in the case of the officer at Atlantic City during the summer; a man named Geiger, who is on the reserve force, and who was given leave of absence during that time, and they paid him there. When he reports back for duty he will go on again.

Q. I have seen it stated that at points near by Philadelphia, as at Neshaminy Falls, or places of that kind, you have detailed officers. Was that under the same circumstances as at the Chester County Fair?

A. No, sir. We have sent officers up there on the trains going from Ninth and Green streets to Neshaminy Falls, for instance. We have been requested by the railroad officials to do that, thinking that sometimes parties might be riotous within the city limits. The officers who are sent are what are called the house detail. They lose no time, and they are very glad to go on these excursions. For instance, the men in the house this morning do not go on until this evening, and they could go away on such excursions. We also detail officers for balls and weddings, etc. In such cases they are paid by the parties engaging their services, and their places on the rolls are filled by substitutes, which gives the substitutes a chance to do some work.

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*John L. Linton* being duly sworn, according to law, testified as follows :

Examination by Mr. Roberts, Chairman.

Q. What is your business?

A. I am Secretary to the Mayor.

Q. What are your duties?

A. I attend to the correspondence connected with the office, keep a record of all ordinances passed by Councils which are approved by the Mayor; I attend to, seal and record all communications made by the City of Philadelphia; attend to the receipt of all moneys for licenses and issue them, and generally perform some other small duties.

Q. Now, you understand the subject we are considering, and the Committee would be pleased to hear from you any statement you have to make?

A. In regard to the matter of licenses, Mr. Chairman and gentlemen, I will say that in the latter part of 1885, about the first day of September, his Honor directed me to make a full and complete examination as to how the licenses were collected from the pawnbrokers, and generally everything connected with them; and also an examination of the law carefully to ascertain what the requirements were under it. I made this examination in obedience to the order, and made a report to the Mayor. In my report I stated that from a list that had been paid in the last year of ex-Mayor King, there were 83 pawnbrokers. This list I obtained from those that had paid, and from the business directory published that year in the City of Philadelphia. That was for 1884. Of this number, 83, I found that there were 13 who had either not paid, or if so, it had never been reported to the City Treasurer—the money had never been paid to the City Treasurer; I found, also, that the number that had paid were 70, paid under ex-Mayor King's administration, and of the 70 but 7 had filed policies of fire insurance, and those policies I found to be worthless, though they were alive, from the fact that they did not contain the clause which his Honor, the Mayor, ordered should be in all policies received by him—which clause is inserted into the body of the policy, and designates that the loss, if any, shall be payable to the Mayor of the City of Philadelphia. It is not a transfer of the policy, but simply a clause put in the body of it. A policy deposited without that clause is a worthless piece of paper. The law, we presume, intended it should be of value, and this insertion was made by direction of the present Mayor. I also examined the bonds in the last year of Mayor King, and I found very few of them executed. Some of them were signed simply by the parties who owned the licenses, and others were not signed at all, and none of them were witnessed. The number properly executed I do



not now recollect, but it was very small. I reported these facts to his Honor, the Mayor, William B. Smith. He then gave me positive directions that in the collections in the beginning of the year 1885 they should all be compelled to comply with the law, by depositing a proper policy of \$5,000 insurance with that clause inserted in the body of it, as well as a properly executed bond of \$1,000. Upon being called upon by the brokers I informed them of this fact. A very large number of them objected to carrying it out. Invariably they informed me that it had not been done in the past, and that they didn't see the propriety of it, that they didn't think it was the law. I told them I simply had to carry out my orders from the Mayor; that he expected me to attend to all the details connected with the matter, and that when they were consummated or fulfilled according to law it was my duty to report to him the fact, giving the names of the bondsmen as well as the policy of insurance accompanying it, for his final approval of both the bond and the policy of insurance. During this time, January, 1885, I received their one hundred dollars for the payment of the licenses. Many of them did not at the time deposit the policy of insurance. Some of them executed the bond and others did not. The matter extended along through 1885 until very near the close of it before the proper execution of the law was fulfilled by them. As I have said before, in the details of all matters connected with the receipt of moneys and the carrying out of the law with reference to the pawnbrokers' and all other licenses, the Mayor depended upon me executing his orders, which, in every particular, I fulfilled to the best of my ability—to the best of my knowledge as to the requirements under the law. When a number had fulfilled the law I would report that to the Mayor, and if it was approved make out the licenses, present them to him for his signature, and then he would give me a check which I would send immediately to the City Treasurer. Some parties executed the law immediately upon the payment of the money, but very few. Those that did I may have retained

until a number could be had, in order to save trouble to both the City Treasurer and others, so that, a number going, it would make but one errand. In that way I did it. I do not know that I have anything further to say on the subject of pawnbrokers.

Q. When did you go into office?

A. On April 7, 1884.

Q. When you speak of thirteen pawnbrokers that had not paid at that time, do you mean that had not paid for the year 1884?

A. Not at that time. I made no examination until about the first of September. The examination in connection with the pawnbrokers was not made—for this reason, that they had all paid prior to April 7, 1884; in other words, the collections under ex-Mayor King were between the 1st of January and the 1st of April for all pawnbrokers' licenses.

Q. Was any effort made to close up the pawnbrokers that did not comply with the law? Some of them you have sworn did not comply with the law?

A. That transaction was under Mayor King.

Q. But under your administration? We are only questioning you with regard to the years 1885 and 1886. Now some of them have sworn that they did not comply in those years?

A. It is entirely their own fault. Notice after notice had been sent by me that non-compliance existed. They disregarded them—that they were not bound to execute the law—that they had not done it previously.

Q. Then did you make any efforts to close them up?

A. No effort of the kind was made.

Q. You allowed them to go on?

A. Yes, sir; in the hope that they would fulfil the law. I thought that a little leniency should be exercised in the matter, as it was an absolutely new thing to them to comply with the requirements of the law.

Q. Did you issue any licenses in 1885, before December?

A. Yes, sir.

Q. Have you got a list of those licenses issued, and when?

A. I have not here.

Q. How early in 1885 were they issued?

A. June and July and August; I am not sure of it, but I think that is the fact.

Q. I understood you that you would keep the money waiting a little while, until you had enough to send to the City Treasurer?

A. Yes, sir; I did not want to send one, two, or three, but when there were seven, eight, nine, or ten.

Q. So you waited until July until you handed in the first?

A. I think it was July.

Q. Did not a large proportion of them pay in January?

A. So they did.

Q. Yet you kept them waiting until July?

A. They did pay in January, but they had not complied with the law, and therefore the licenses could not be issued until they did. My report, when they complied with the law, was made to the Mayor, submitting everything connected with the matter for his approval; and it was made when a batch of them could be had, in order to save time and trouble.

Q. Do you mean to say that up to July only about eight or ten had complied with the law?

A. I cannot remember the number without a further examination into the matter. I don't know the number that paid; afterwards it was paid throughout the year from that time on until December.

Q. Up to July, then, not enough had complied with the law in all respects to make it an object to have their licenses issued, or put through?

A. No, sir; I did not think so.

Q. Will you now tell us about the checks ?

A. My rule invariably, when a check was presented, payable to the order of the City Treasurer, was to refuse it; when I took charge of the money I thought it was too large an amount to keep in the fireproof, and I made the suggestion, I believe, or I induced the Mayor to place them in his account; his book was loaned to me from time to time, and it was placed to his credit in the bank; I took the checks that had been given to him and told him what they were; in many instances he never saw the face of the checks, but endorsed them so that the deposit might be made; when any check of that sort was offered to me, payable to the City Treasurer, I told the party that I could not accept it; in many instances they would alter them themselves, or they made a new check; probably, in one or two instances maybe, I altered the check, but if so, it was done with a full knowledge and consent of the party drawing the check and in no other way; as I said before, these checks of the money received daily when in bank hours were sent to the bank either by the Mayor or by myself; I made up the ticket for the deposit often, and during the absence of the Mayor his bank book was left with me for that purpose; any checks requiring endorsement were retained by me until his return; in this way the money was disposed of; when I said it was deposited daily it may have been in some instances a day or two afterwards from some cause—I cannot tell now what; but there was no delay in depositing all the money immediately on its receipt in the manner that I have told you; that is all I have to say so far as that is concerned.

Q. Were those checks of Harvey and McGarry drawn in the office of the Mayor, or brought there?

A. I don't know.

Q. Who changed those checks or altered them?

A. I don't know that they are altered. I have never seen them. I know this fact, however, that if I received them, and if they were changed from "City Treasurer" they were

changed to the order of William B. Smith, Mayor. I know this fact, because I declined, positively, to receive any check unless it was drawn to the order of the Mayor or payable to bearer. That I am positive about, and on my oath I declare that this is the fact.

Q. Have you any other statement to make in regard to any other transaction?

A. Well; I have with regard to the collection of the coal oil licenses. In the latter part of 1885 the Mayor's attention was called to the collection of coal oil licenses or rather to the execution of the law by, I think, the Board of Fire Underwriters and other citizens in Philadelphia. Ex-Marshall Wood, who was then the Fire Marshal, told me that he meant to urge the Mayor to permit him to execute that law. He asked me if I would not urge it upon him. He said to me two or three days after that he had made inquiry of the City Solicitor, whose opinion he had that all the persons keeping for sale coal oil were liable for a license—wholesale dealers and retail dealers alike—of \$10. He also, after getting the consent of the Mayor, issued notices to, I presume, 200 or 300 persons whom he supposed were liable. The wholesale dealers were prompt in their payments. I think—no, I don't think, for I know—that under his administration as Fire Marshal 31 of the wholesale dealers paid me. They also paid the Fire Marshal's fee for surveying. I am a little ahead or a little too fast in my report of this matter. I want to say here that the Fire Marshal urged me to collect for him his survey fee. This, at first, I declined to do. He became more urgent, and said to me that as I collected the license money it would be an easy thing to collect his survey money, and in his own language, he said to me that if I would do it he would cut it in two—would cut the survey fee in two.

By Mr. Iseminger:

Q. How do you mean cut it in two?

A. Well, that was his own language.



By Mr. Bardsley :

Q. How did you construe it ?

A. Well ; that is what he said. After some consideration I agreed, but rather reluctantly to collect his survey fees. When they were collected he would come in daily every morning into my room and for the day previous received from me his regular fee for survey. He also received the fees of thirty retailers who paid a fee for surveying of \$5 instead of \$10, as the wholesalers did. Under the law it was his duty to make a full report to the Mayor of the places that he would survey, in order to judge whether or not the party would be entitled to a license under the law. Of these surveys made, but 26 out of the 61 have been filed with me in the office under Marshal Wood. He has received the pay of 61, but has reported the surveys of but 26.

By Mr. Roberts, Chairman :

Q. Does that comprise all that you have to state with regard to coal oil licenses ?

A. Yes, sir ; I will give you another point with regard to the pawnbrokers with your permission. The charge has been made that I have been in receipt from each of the pawnbrokers of \$5, as a present, as it has been called, I believe, from the reports I have seen in the newspapers. Every pawnbroker in Philadelphia knows that it is his duty to present me with a bond properly filled up for the one thousand dollars, instead of which I filled them myself and prepared them ready for the signatures. That probably may have made them feel under some obligations to me. But I never made or never thought of making any charge whatever for it. I here say that some few of them did present me with \$5, but a great many did not, in consequence of my insisting on their spending \$30, which they had been relieved from previously for the fire insurance. There was no charge whatever made by me in any one single case and no demand was made by me.



Q. What are the facts in relation to the two pawnbrokers who claim to have paid, but who did not appear to have received credit for their money—Daniel Rosenthal and Mrs. Etta Hymens ?

A. All the money received by me, as I said before, was daily returned to the Mayor, unless he was absent from the city, and was deposited in bank. All the moneys paid by me I kept a correct memorandum of, and I don't think I could have made a mistake; I know in fact that I could not of the payment of \$100 to me. I am sure I could never have made that mistake. I have no record, no account, no memorandum, no nothing connected with the two pawnbrokers you speak of.

Q. Is it customary for these people to execute their bond before paying the money?

A. They do sometimes; sometimes before and sometimes after, and sometimes at the time when the money is paid. And sometimes the deposit of the policy is made prior—in a number of cases.

By Mr. Lawrence :

Q. Do I understand you to say that all the moneys paid to you were paid to the Mayor on the day you received it ?

A. No, sir. I may reply that the small amounts for coal-oil licenses, and the amounts for amusement and powder licenses, were not paid to the Mayor at all, but retained by me in the fire-proof until called for by the Mayor, when the licenses would be issued and the money dispatched to the City Treasury.

By Mr. Clay :

Q. Do I understand you that in 1884 you had an inquiry made in order to ascertain how many pawnbrokers were doing business in Philadelphia ?

A. No, sir—to ascertain generally the mode transacting the business under the previous administrations.

Q. Was it not your endeavor to ascertain how many pawnbrokers were in the city?

A. No, sir. But in my efforts to make a proper report to the Mayor I reported that fact.

Q. How many pawnbrokers are on record as doing business in Philadelphia to-day?

A. Eighty.

Q. How many were there in 1885?

A. Seventy-five. In the year previous sixty-four, the year previous seventy-two. For years back there never have been eighty who paid.

Q. So far as you have knowledge you collected from all in the year 1885?

A. I did.

Q. What was it you said your instructions were in regard to the issuing of these licenses?

A. That they first had to be submitted to the Mayor for his approval.

Q. That is the licenses?

A. No, sir; the bond and policy of fire insurance.

Q. Detail to us what your requirements were. Suppose that a man came in and said that he wanted to be licensed as a pawnbroker, what would you say to him?

A. I would ask him for his bondsman and for his policy of fire insurance.

Q. What else?

A. And then for the payment of the license

Q. Of course, when a man had been engaged in business at the same place for a number of years, and had been in good standing, he is not to be asked for testimonials of character?

A. I scarcely ever did; the facts were very well known through our police force, and so we knew if there were some to whom licenses should not be issued. That is the case this year.

Q. But where a man had been engaged in the business for a number of years would you take it for granted that he was in good standing?

A. Yes, sir.

Q. Would you take that for granted, and would not ask for testimonials?

A. No, sir.

Q. Would you first request the bond?

A. Yes, sir.

Q. And then a policy of insurance?

A. Yes, sir.

Q. And then ask him to pay the money?

A. Yes, sir.

Q. Why did you ask him to execute the bond first?

A. I merely told him the requirements—I merely made known to him the requirements of the law.

Q. Then you would ask him first for the bond and then for the insurance policy?

A. Yes, sir.

Q. And then for the one hundred dollars?

A. Yes, sir.

Q. Why did you demand the bond and the policy of insurance before receiving the money?

A. I don't know why; in some instances they paid it first and in others they did not; in some cases they would present the bond afterwards.

Q. Did you at any time after going into office—at any time since, read the law which relates to the licensing of pawn-brokers?

A. I have.

Q. Was it because you read that ordinance that you first asked for the bond and then for the insurance policy, and then for the fee?

A. I think it was, but I am not sure; I think that is the fact.

Q. This is the ordinance you regulated your actions by (indicating a book)?

A. Yes, sir.

Q. Now I find that this ordinance of January 19, 1856, reads as follows :

“ Every pawnbroker so applying for a license shall first effect an insurance against fire for \$5,000, on goods pawned, the policy for which shall be deposited with his bond, before the said license is given him.”

A. Yes, sir.

Q. So you had a clear comprehension of the requirements of the ordinance?

A. Yes, sir. But they were scarcely ever fulfilled—only in five, six, seven or eight cases, all told.

Q. Is there any instance in which you accepted the license fee without the bond being executed and the policy of insurance tendered?

A. There was.

Q. Under what circumstances?

A. Well, perhaps the bondsman was not able to come in on that date, or could not for two or three days, and the parties would promise that they certainly would bring them. So it was done more to accommodate them than anything else. There never was any intention of violating the law. It was done just as any gentlemen would do in business.

Q. You would leave the matter go over for a day or two?

A. Yes, sir. Or a few days. Some of them are not executed to-day.

Q. But that was not the rule in the department?

A. No positive rule was made in regard to it. It was in order to have no trouble with them.

Q. You say it was the exception and not the rule, that as a rule the bond would be tendered, though in some instances the matter would go over for a few days?

A. Yes, sir.

Q. As a rule they would execute the bond, and give you the insurance policy and the fee?

A. Not in all cases—not in half of them—not a third. Probably a third would exceed the amount.

Q. But I asked you the question, and you have already said that you had a clear comprehension of the ordinance of 1856, and of all the requirements of that ordinance, applying to the licensing and issuing of licenses to pawnbrokers. So you knew that the bonds should be executed, and the insurance policy given, and that the fee of \$100 should be paid.

A. Yes, sir.

Q. Under what circumstances, then, could you justify yourself in taking a fee without the bond was executed and the insurance policy tendered?

A. It was done as I have stated.

Q. In violation of the law?

A. To accommodate the parties applying, and I thought it would fulfill the law.

Q. Have you accepted the fee without the bond and insurance policy?

A. It has been done.

Q. If you would do that how long would you permit the man who paid that fee to go on conducting his business without entering his bond and delivering the policy?

A. That is a part of the business with which I had nothing to do?

Q. Would you inform his Honor, the Mayor?

A. I have often done that.

Q. Of the delinquent pawnbrokers?

A. When they failed, or were unable, or did not come up for a long interval of time I informed the Mayor. I repeatedly did it, and during the interval I have notified them time after time, asking them to come and fulfill the law.

Q. So, from time to time you would report to the Mayor the pawnbrokers that were delinquent ?

A. I may have done that when the time was so long that I thought the Mayor should have knowledge of the fact.

Q. Now I find that some of the witnesses we have had before us here, swear that they complied with all your requirements. For instance Solomon L. Linse, a pawnbroker, who testified that on the 9th of January, '85, he paid you a fee of \$100, and at the same time executed a bond and left with you his policy and gave you a check—at the same time fulfilling all the requirements of the law ? What reason had you for not issuing that man his license at once ?

A. The explanation that I made in my statement was that I kept that in order to get a sufficient number to make one trip to the City Treasurer, by which means to save entries at the City Treasury and to myself trouble.

Q. But during that time you made returns to the City Treasurer ?

A. A number of returns were made.

Q. Have you any reason to give this Committee—any reason why you failed to pay that \$100, received from Mr. Linse, in check, until December of that year.

A. Only the explanation I have made.

Q. You have said to the Committee that you made a number of payments to the Treasurer—that you kept those moneys for convenience until they accumulated, in order not to make a number of errands ?

A. Yes, sir. I will say that there may have been cases that I do not recollect.

Q. You got this man's money on the 9th of January, and the City Treasurer received it on the 26th of December. Yet he said he had complied with all the demands you had made upon him.

A. He may not have done so—only supposed that he did.



Q. He swears that he did.

A. I cannot say that he didn't. I cannot say until I make an examination. I have no recollection what the case was, but evidently there was a cause for that delay.

Q. You said you would refuse these policies unless they were made payable to William B. Smith, Trustee?

A. No, sir. I said unless the clause was inserted in the body of the policy—"Loss, if any, payable to the City of Philadelphia"—I would decline them.

Q. Did you see this clause in the ordinance of 1856—"And every pawnbroker so applying for a license shall first effect an insurance against fire on goods pawned, for \$5,000, the policy for which shall be deposited with his bond before said license is given to him"?

A. I read it.

Q. Is there anything there about any such demand?

A. There is a requirement about \$5,000 insurance. But a deposit of a policy of insurance without that clause is worthless; it is nothing more or less than a piece of blank paper. It is no security. The law intended that the deposit should be of some value—that the deposit of the policy should be of some value—and without that clause it is of no value. That makes it valuable, and makes it a deposit which the law meant when it was passed.

Q. Let us read the law again, and then we can see whether you are right. The law is as I have already read it, as follows:

"And every pawnbroker so applying for a license shall first effect an insurance against fire on goods pawned, for \$5,000, the policy for which shall be deposited with his bond before said license is given to him."

That is, the pawnbroker is to effect the insurance, and then the policy is to be deposited with his bond. Do you find any authority there, or any wheres there, which say that it shall be in any other name than that of the pawnbroker?

A. I don't know that I can make a fuller explanation than I have. Is a policy of value—a policy made for protection—unless it is placed in that shape, unless it has that clause in it? Is it of any value at all?

Q. Yes; for this reason, that the man who makes the insurance cannot obtain the money for the insurance so effected unless he produces the policy or the receipt.

Mr. Earle (of counsel for the Mayor):

You are mistaken about that.

Mr. Clay:

Well, if I am mistaken, I am glad to be informed of it. It is a good thing to know. I am glad to know it and this Committee are glad to know it.

By Mr. Clay:

Q. Very well, then, we will give you the benefit of the doubt. Now, we have the testimony of a man named McGarry, in which he says that he paid you for his license for the year '85 by check, dated on the 3d of January of that year, and also left with you his bond on that date, but did not get his license until December, '85; and he says, moreover, that for the present year he gave you a check on the 6th of January, and left with you an executed bond, and proffered to you an insurance policy in his own name, which you refused to accept.

A. In January?

Q. Yes.

A. He did not.

Q. Of this year?

A. It is not true.

Q. His check is dated the 6th of January?

A. It is not true. He presented to me no policy of insurance until since the 22d of August, when he presented a

policy which had not that clause in it, and I declined to receive it unless it was inserted.

Q. I will read from his testimony :

“ Q. How is it you have no license for this year? A. I will explain it. The Mayor has not got my policy of insurance on deposit. The Mayor’s clerk positively refused to receive it unless it was assigned to William B. Smith. I declined to make the assignment, as such was not the custom, and that the law was, that we were to deposit them with the Mayor, but not to assign them.”

A. I never asked him to make an assignment of the policy. It was simply about that clause to be inserted.

Q. Did you report that case to the Mayor

A. I don’t know that I did. I don’t think I did. The details of the whole matter were expected by the Mayor to be executed by me. He depended upon me, and I don’t think I violated his orders.

Q. Do you think it was right, under such circumstances, to allow or permit him to carry on his business?

A. No, sir. I think he ought to be closed to-day for violation of the law—not complying with it. That is my personal idea of it. I will say that there are two or three points in his evidence, which, if I read correctly what was in the newspapers, I can contradict with impunity.

Q. Do you know Mr. Samuel Nathans, the pawnbroker?

A. I do, very well.

Q. He says that he paid you \$100 on December 31, 1884, at which time when he paid the money, he complied with the conditions of the law with regard to the insurance and bond. Was there any reason why his money was not paid into the City Treasury until the thirty-first of December?

A. None, except what I have already designated. He paid me \$30 also to have his policy renewed, and it was renewed.

Q. Why didn't you pay that money into the Treasury?

A. For the same reason that I have given you before. I cannot tell you why. The delay was my own fault and nobody else's but my own. There was no intention of concealing or delaying the matter for any purpose, except as a matter of convenience to myself and the City Treasurer—to save a number of entries; and not only entries, but to save the messenger running up there.

Q. Do you know Mr. Mekeal, the pawnbroker?

A. I do.

Q. He testified that he paid you for his license in the early part of the year 1885, and at the same time gave you a policy of insurance which you accepted and executed his bond. That was on the sixth of January. Why didn't he get his license until the end of the year?

A. I cannot tell you. I don't know why the delay was made.

Q. Don't you know that by this time enough money had accumulated from what the pawnbrokers had paid in to justify you in making a return to the City Treasurer.

A. I presume the delay was my own fault. I can't conceive why it was, but there may have been a cause for it. All I know is what I have already designated.

Q. Now, in the year 1886, a number of these pawnbrokers, Solomon Linse, Mr. Nathans, and others, testified that they executed their bonds and delivered to you their policies of insurance in the manner in which you had been instructed to take them, and that they paid their fees, and yet did not receive their licenses until a few weeks ago. Why was that?

A. I will answer that case generally, and it will cover a great many of these cases probably. These pawnbrokers supposed that by having a policy on deposit, which, as I have stated, was not in existence, and not a renewal receipt—no deposit of a renewal receipt, that they were all right with regard to their policies of insurance. I knew they were not,

and insisted upon having their receipts deposited, keeping their policies alive. That is the case with the most of them; they had an idea that by simply depositing a policy that had run out, they holding the receipts for the renewals, that they had accomplished all that the law required them to do. It was not the case. I needed or wanted the receipts for the renewals to attach to the policies.

Q. Did you notify them to that effect?

A. I did.

Q. Did they refuse or neglect to comply?

A. They refused in some cases and neglected in others.

Q. What did you do then?

A. Time and again I wrote to them.

Q. Did you report to the Mayor?

A. I told him that a number were behind.

Q. Was any effort made to stop them from doing business?

A. Not to my knowledge. Since the 22d of August, last month, a very large number of these policies have been placed in proper shape by the return of the receipts, and in some instances with the policies themselves. Yet there are some delinquencies.

Q. What do you mean by delinquencies?

A. Parties who have not complied with the law. Some of the bonds have not been fully executed.

Q. Then why did you let these people go on?

A. Well, I wrote them notes and I believe I fulfilled my duty by urging them.

Q. So far as you know then no efforts were made by the police department to prohibit these people from doing business?

A. I don't know of any.

Q. Although from time to time you made report to your superior officer, the Mayor.

A. My reports to him were seldom made. I would speak to him in an indefinite manner about it, hoping that these

people would come up and comply with the law without any trouble. In other words we have been lenient with these people when probably we ought to have been more strict.

Q. Do I understand you to say that the moneys you received from coal oil licenses you turned into the City Treasury the day you received them ?

A. No, sir.

Q. When did you ?

A. There was a difference which arose in reference to the opinion of the City Solicitor, and no licenses were issued for those that had been received; no licenses were issued in the coal oil matter.

Q. What did you do with the money received from amusement licenses ?

A. Paid it into the Treasury.

Q. When would you do that ?

A. I would send it up with the batch, as I have already told you ; it was just done in the same way.

Q. With the money from the theatrical licenses what did you do ?

A. Just the same.

Q. How would you send the money up ?

A. In cash, usually.

Q. In cash ?

A. Yes, sir.

Q. Would you retain the cash in your own possession ?

A. Yes, sir.

Q. What authority did you have for doing that ?

A. The idea was to turn it into the treasury, which was done, upon the making out of the licenses and getting his signature to the licenses ; it was never used in any way by anybody—neither by the Mayor, myself, nor anybody else.



Q. You know of no authority or law to permit you to keep it in that way?

A. There was no intention to use it and it never was used. I didn't want it for any purpose for myself, and the Mayor had no control of it.

Q. Have you knowledge of a city ordinance which requires all city moneys to be paid into the treasury on the day of their receipt?

A. Since this investigation—yes, sir.

Q. That was the first you knew about it?

A. The first I knew of the law.

Q. You went into office in 1884, I believe?

A. Yes, sir.

Q. And you said that you made efforts to make yourself acquainted with the law regulating the department in which your services are performed?

A. In what respect?

Q. Respecting the receipt of the city moneys from various sources and the turning over of them to the City Treasury. You said that you went into the matter about the pawnbrokers. Did not you make the same efforts to get a knowledge of all the ordinances?

A. I presume I did.

Q. You say it was only recently you had the first intimation of the existence of that ordinance about turning over the moneys at once to the City Treasurer?

A. The first knowledge that I had was since the 22d day of August.

Q. Now, you say that you made deposits for his Honor, the Mayor?

A. Yes, sir.

Q. You have told us that you would collect the pawnbroker's licenses?

A. Yes, sir.

Q. Would you mix up that money with the money received from theatrical licenses?

A. No, sir.

Q. Would you keep it separate?

A. Yes, sir. You know that these amounts were small but the other was a large amount.

Q. You did not mix it with the money from the gunpowder licenses?

A. No, sir.

Q. So, as far as you were concerned the fees from the pawnbrokers' licenses were kept as a distinct and separate fund?

A. Yes, sir.

Q. What did you do with that money after it came into your possession?

A. Almost daily I would make up the account. If there were any checks that required endorsement for deposit I would take them to the Mayor, and in many instances I simply told him what it was, and in many instances the Mayor would just say "fix up the ticket." He would tell me to do it, and I would do it faithfully.

Q. You would make up the deposit?

A. I would, generally.

Q. After the slip was made up, what would you do then?

A. Either send it to the bank or take it myself.

Q. To what bank?

A. The Fidelity Trust Company.

Q. How would you make up the deposit slips?

A. Wm. B. Smith, treasurer.

Q. You are confident, are you, that all the money received for pawnbrokers' licenses in the years '85 and '86 was deposited to the credit of Wm. B. Smith, treasurer, in the Fidelity Trust Company?

A. Yes, sir.

Q. There is no mistake about that ?

A. No, sir ; every dollar received was so deposited.

Q. It went into the Fidelity Company deposit to the credit of Wm. B. Smith, treasurer ?

A. Yes, sir.

Q. And you have that knowledge because you either took the money yourself or dispatched a messenger for that purpose ?

A. Yes, sir.

Q. You say the Mayor would endorse all the checks ?

A. Yes, sir—deposited to the credit of Wm. B. Smith, treasurer.

Q. Did he never look on the face of any of the checks ?

A. He did sometimes, but in some cases he did not. In those cases I would just turn them down for his endorsement, and would tell him that they were for pawnbrokers' licenses. He often did not see the face of the checks.

By Mr. Bardsley :

Q. Now the most serious charge made against his Honor the Mayor is in connection with these pawnbrokers' licenses. I understand you to say that you assumed the entire responsibility of any irregularity in connection with those licenses ?

A. If there is any blame or any irregularity, I feel that I am responsible for it. It was not done intentionally for any delay in any manner.

Q. You say, if there is any blame for it. Do you think there is not ?

A. Yes, sir.

Q. You do not think that there is ?

A. I do not. I mean so far as conducting the business. My passing over the money ended that for me.

Q. You think that your entire course in connection with these licenses for pawnbrokers was entirely regular and according to law?

A. There may have been some errors in judgment in the matter, but only that. I believe conscientiously that the duties were performed by me in the proper manner.

Q. So that nothing has been done wrong?

A. There was no intention of it.

Q. I am not asking you about the intention. Has there been anything done wrong by you?

A. Not by me.

Q. Has there been anything wrong done by anybody else?

A. Not that I know of; I have no control over the acts of other people.

Q. Did anybody in your Department have anything at all to do, with these licenses, except you and the Mayor?

A. Nobody but myself.

Q. And the Mayor?

A. The Mayor received the money.

Q. And signed the licenses?

A. Yes, sir.

Q. So, no one but yourself and the Mayor had anything to do with this matter?

A. Nobody.

Q. And you say that nothing was done contrary to law?

A. Well, I am not the Mayor, and I don't intend to judge of the law for him, but all that was done was conscientiously done, and I believed at the time of doing it, it was properly done.

Q. Now, I understood you to say that you had very carefully studied up the law in connection with pawnbrokers?

A. I did.

Q. And carefully studied it in order that you might act intelligently and according to law?

A. Yes, sir.

Q. And you say you acted according to law because you made it a study to acquaint yourself with the law ?

A. I made every effort to do so.

Q. Did you read this part of the law—"No person shall use, exercise or carry on the trade or business of a pawnbroker within the city without having first obtained such license as aforesaid, or after the revocation thereof under the penalty of \$1,000, for each and every offense?"

A. I made every effort in examining the law to know fully and practically the workings under it. That was my object and intention in order that I might fulfill my duties properly.

Q. Well, you have just heard what I read to you from the ordinance of January 19, '56. About how many pawnbrokers have been doing business this year in violation of that law ?

A. Up to August 22d, I should think two-thirds of them, but in answering that question I desire to add that in looking over the mode of conducting the business heretofore under Mayor Alexander Henry and in the terms of Mayor Stokley and Mayor King, I find that the identical same course was pursued by them. I have seen Isaac Nathans' license issued under Mayor King when he had paid his money in January of the year mentioned in the license—when it was not issued until the September following. I have seen it. He showed it to me himself.

Q. That was contrary to law ?

A. That was contrary to law according to this ordinance, undoubtedly. But the excuse is, if it be needed, that this was done in following predecessors—previous administrations—in the administration of this law.

Q. Is that an excuse ?

A. I don't think it is.

Q. Is it any excuse for violating the law when you do not know the law ?

A. No, sir ; they say it is not. That is the decision of the court.

Q. So in point of fact with reference to paying this money over on the day of its receipt you violated the law. You say that you did not think that such was the law until a few weeks ago. That is no excuse for your violating the law, is it?

A. I don't think it is, but I think there is good and sufficient excuse for doing it.

Q. And those excuses you have given to the Committee?

A. Yes, sir.

Q. Now, how many of these pawnbrokers complied with the law in the month of January of this year, and what are their names?

A. I cannot give you that information.

Q. I do not mean from memory, but from your office?

A. Yes, sir.

Q. Will you make a note of that inquiry, and furnish the information to this Committee—the names of those who have complied with the law? How many about were there?

A. I cannot answer the question from memory.

Q. Cannot you answer near the number?

A. I would rather not; I would rather give you the facts.

Q. Why did you treat this money in any different way from the money that came from other sources?

A. The money from the pawnbrokers being so large, I did not desire to keep it in the office. I suggested to the Mayor that it would be better to place it in bank; but the others were small amounts—the whole total of the others was probably \$800 or \$900, or in that neighborhood. When it came to \$7,000 or \$8,000, I did not think it proper or safe to keep it, but suggested myself to the Mayor to place it in better keeping.

Q. And he adopted your suggestion?

A. He did.



Q. Now, about these pawnbrokers who had not taken out their licenses according to law ; I understood you to say that you had notified the Mayor from time to time of that fact ?

A. Well, I cannot call it an official notification ; I may have been in conversation with him in the office, or out of the office, and have referred to it in conversation merely ; but my effort was to get these people to comply without trouble ; without causing them or us trouble.

Q. Why ?

A. I don't know why, unless it was from the goodness of my own heart to oblige them.

Q. To oblige these people ?

A. Yes, sir ; in order that they might comply and save trouble for themselves, as well as the Department.

Q. I understand you to say that after making a careful study of this law, you felt it was necessary first to have these people sign a bond and furnish a bondsman, and next to furnish a policy of insurance ?

A. That is the reading of the law.

Q. And those two things having been complied with, then you would say "the \$100, if you please ;" that was the course you felt it was proper to pursue ?

A. Yes, sir ; I took their money without either.

Q. What advantage was that to you ?

A. None to me.

Q. Not a particle ?

A. Not a particle.

Q. Why did you take it ?

A. It was taken on their giving their promise that they would come forward and execute the bond and fill the policy.

Q. Why did you take the money ? Because they would have to come back again, would not they ?

A. Yes, sir.

Q. With the policy of insurance and bond. What advantage was it to them to take their money?

A. Joseph Marcer, who was in the office under Mayor King, and who attended to the business exclusively, I believe, informed me that that was the manner or mode he had always pursued. I took the money without thinking of it a moment. Had I more carefully studied the law I think now I should have declined the money—I know I would.

Q. You started out with a statement this morning which was very plain, and very careful and very concise I thought, and you said that when you entered the office you made a careful study of the pawnbrokers' license business.

A. Not until September.

Q. But, now you say that you ignored this arrangement, which you told Mr. Clay about, entirely, and took the advice of Mr. Marcer?

A. I did not take his advice; I simply consulted with him, and I found that he had been doing it in that way; that he had always received the money or received anything; the bond and the money afterwards, or the policy of insurance, or the bond and the money and the policy—anything; sometimes altogether.

Q. In other words, anyway?

A. Yes, sir.

Q. After you consulted with him you adopted his policy?

A. Just as I think Mr. Bardsley would have done if he had been in the place.

Q. But I was not the secretary to his Honor, the Mayor?

A. I know that. But if in my place.

Q. I am only asking you these questions to arrive at an understanding of facts of the case. You said you did not take his advice. Now you say that you followed what he told you had been his custom?

A. The custom of all previous administrations since Mr. Henry.

Q. You told his advice and followed the custom of the office theretofore?

A. Yes, sir.

Q. Knowing that it was important to have licenses in the hands of the pawnbrokers because that was their warrant for doing business, as without the license they would have no right to open their doors at all, would they?

A. Strictly speaking, I think not.

Q. I mean in accordance with law. We are trying to speak strictly now. Under the law had they a right to open their doors without they had licenses?

A. I think not.

Q. Well, some of the pawnbrokers sometimes get into trouble. They buy or receive on storage stolen goods. I presume that this law was passed for the purpose of holding them in subjection, so that they should have to have licenses for doing business?

A. Yes, sir.

Q. Recognizing that fact during 1885, you allowed them to carry on their business—the majority of them—through the entire year without licenses?

A. As has been done by all previous administrations.

Q. It is not worth while to re-hash that, because you have already frankly said that it does not justify you if somebody else violates the law. So I would not refer to that again. It only puts both them and you in a bad position. Now, Mr. Rosenthal says that he paid you \$100, and deposited with you his bond and his insurance policy. Have you any recollection of the case at all?

A. He says that he paid me? No, sir, and I have no memorandum, no recollection, no knowledge of his having paid me.

Q. Have you any knowledge of the deposit with you of his bond and insurance policy. Have you them on record?

A. I think they are on hand.

Q. Are you sure they are?

A. No; I will find out.

Q. Have you any recollection of any of these pawnbrokers coming to you and applying for a license, and leaving with you only their bond and policy of insurance, or either of them without the money?

A. Yes, sir.

Q. Who were they?

A. I cannot recollect now, but it has been done frequently.

Q. Without the money?

A. Yes, sir; it has been both before and after; the bond was executed sometimes before and sometimes afterwards.

Q. Without the money? Were there many of them who failed to give you the money when they first came to the office?

A. Quite a number.

Q. How many in proportion to the number of 80.

A. Positively I cannot recollect.

Q. Half of them?

A. No; less than that probably; I cannot say that two-thirds of them paid me the money.

Q. Then, about one-third of them failed to give you the money?

A. To the best of my recollection.

Q. They gave you either their bonds or their policies of insurance or both?

A. Yes, sir.

Q. And you say about one-third failed to give you the money?

A. They did it afterwards—paid afterwards.

Q. Have those who failed to pay you the money, or who gave you the policy of insurance and the bond—have they all received their licenses?

A. No, sir; they are not all issued.

Q. Why?

A. Well, since the 22d of August I have been so busy that I have been unable to make them out.

Q. Since the 22d of August last you say you have been busy?

A. Yes, sir. I have been so much engaged that I have been unable to make them out; but I hope that after to-day—inside of forty-eight hours—I will have them all supplied with licenses.

Q. You have been so pressed, I suppose?

A. I have been so pressed with business that I could not make them out.

Q. Now, the money paid to the City Treasurer for these licenses was about \$8,000 in total, which represents eighty pawnbrokers' licenses?

A. Yes, sir.

Q. And about one-third of that number, perhaps, as you have testified, gave you the money when they first called upon you?

A. I don't want to say one-third. I am not sure. There were a number who did not.

Q. Can you give us the names of those persons?

A. I don't know that I can. If I possibly can I will.

Q. Have you any record of them?

A. No, sir.

Q. Can you give us the names of two or three who failed to give you the money?

A. I don't know whether I can without going to the office. I possibly may get the information, but I am not sure.

Q. Can you remember the name of one?

A. I cannot.

Q. Now, in January of this year you collected \$5,400 for pawnbrokers licenses. That represents fifty-four licenses?

A. Yes, sir.

Q. You stated that the reason why you did not pay the money over to the City Treasurer was to save the time of your messengers and of the clerks in the Treasurer's office.

A. And to wait until they had fully executed their bonds and policies of insurance—in many cases.

Q. That was the reason?

A. That was the reason.

Q. All those three reasons.

A. Yes. There were some few who, in the early part of this year—in the early part of January—Isaac Nathans, and some few others—who did comply with the law. That money was not sent to the City Treasurer but the whole of it was deposited in bank to the credit of William B. Smith, Treasurer. That was kept back for the purpose of getting a batch of them to send up at the same time. The same course was pursued in previous years.

Q. Never mind about previous years. They must have been doing very wrong things in the previous years, too. Some of those people, who paid their money in January, satisfied the law in every particular?

A. They did; among them was Isaac Nathans.

Q. The testimony of the witnesses here before us you have read, I presume?

A. Only in the newspapers; I have not had a copy.

Q. I hope you will be furnished with a copy, because these pawnbrokers, with one exception, testified that in the month of January—those who paid in that month—testified that they fully complied with the law.

A. Mr. McGarry swore to that fact, but it is not true.

Q. That is what we want to get at. How many more swore falsely? It is to your credit to find out.

A. I noticed his testimony, particularly.

Q. The office of the Mayor had full power to make these people comply with the law?

A. I think so, under the law.



Q. Some of them say that they hold changed checks, principally as a threat against the Mayor's Office of the City of Philadelphia.

A. I noticed that.

Q. These people, according to your statement made to-day, must be in default?

A. They are. Mr. McGarry is a defaulter to-day in the office. He has not complied with the law.

Q. He is one of those who holds a changed check?

A. Yes, sir.

Q. Of course the Mayor is fully advised of that fact now?

A. I don't know.

Q. You stated in your testimony, in answer to Mr. Clay, that from time to time you fully advised the Mayor of these violations of the law, but not officially?

A. Simply in conversation with him I have mentioned it, but I don't know that ever officially I called the attention of the Mayor to the fact of their having violated the law. I did not do this, in order to save trouble, and induce them to comply with the law. Note after note was written to them.

Q. You have copies of all your correspondence, I presume?

A. Not all.

Q. Have you nowhere in the office copies of those letters?

A. No, sir.

Q. Did you not take copies of those letters?

A. I don't think I did, but I will look to see.

Q. At this moment you have no recollection of taking copies of these letters to the defaulting pawnbrokers?

A. I do not recollect that they were copied. The matter was of so little consequence at the time I wrote the letters I did not suppose it was necessary.

Q. How do you mean that it was of so little importance after you had made such a careful study of the law?

A. I supposed they were coming up to attend to the matter promptly, which they did not do.

Q. Some of them did ?

A. And some of them did not.

Q. You stated a few moments ago that you had sent to these people time and time again, and that you had informed the Mayor of their default, and you say that you think you have done your duty in the matter. So no responsibility rests on you. This is what I understand to be your position now ?

A. I don't say that.

Q. You stated, "I think I have done my duty in this matter" ?

A. Yes, sir.

Q. That was in reference to your reporting to the Mayor these violations of the law. Is that it? Now, these other moneys from theatrical and gunpowder licenses and fines imposed, do you collect those ?

A. I do.

Q. The fines imposed ?

A. No, sir. I do not. I had nothing to do with them.

Q. You only collected on the pawnbrokers and for the theatrical and gunpowder licenses ?

A. And coal oil licenses.

Q. The theatrical licenses were collected in January and in February, and were paid over after this inquiry, or was it before the time this inquiry was started ?

A. I think it was prior.

Q. It was on the 20th of August.

A. Very well.

Q. They were received in January and were paid in August.

A. Some were, and some were received in August. A number of the theatrical places have not yet paid. Sometimes they do not pay until the last of the year.

Q. You have not returned any money received from that source in August ?

A. I received \$150 and paid it to the City Treasurer.

Q. Since August 27th, then?

A. Yes, sir.

Q. The amounts received in January and in February were \$100 in each month.

A. I believe so.

Q. You paid that money over?

A. Yes, sir; the whole of it.

Q. What did I understand you to say was the reason why you didn't pay it over early in the year?

A. I don't know.

Q. You kept that money in bank?

A. No, sir; it was kept in my fire-proof in my room—the whole of it, and never used.

Q. Was it there to be used for any purpose at all?

A. No, sir; it was not to be used for any purpose, and it was not.

Q. Mr. March explained that he used some of the moneys?

A. He never had anything to do with any of mine; and it was never used by myself or the Mayor.

Q. Did the theatres pay for their licenses in cash or by check?

A. I believe it was all paid in cash; I don't know of a single check.

Q. And so were the gunpowder licenses?

A. Yes, sir; \$5.

Q. And so it was with the coal oil licenses?

A. Yes, sir.

Q. Now, you collected considerable money for coal oil licenses—several hundred dollars?

A. Three or four hundred dollars; I have not got the amount in my memory.

Q. It was \$140 for coal oil licenses, wholesale, in January, and you paid it in August?

A. I handed it to the Mayor, and he paid it over.

Q. Was there not a dispute as to the wholesale coal oil licenses?

A. None that I know of.

Q. Did you issue the licenses for those \$140?

A. No, sir; they are not issued yet.

Q. Why?

A. Well, there seems to be a difficulty as to who is liable.

Q. About the wholesale licenses is there difficulty?

A. Yes, sir; some of them are complaining and demanding their money; the City Solicitor's opinion designated that only the retailers were exempt, but some of the wholesalers claimed they are exempt also; the question of liability under the law is not very well defined; it is not defined at all.

Q. Has it not been defined by the City Solicitor?

A. No, sir. In designating the quantity of oil that a retailer can hold it seems that he can have fifty barrels on his premises.

Q. But I am referring only to the wholesale licenses?

A. I am coming to that. Some of the wholesale people claim that they are not in class one, as you might call it. They claim that they don't keep the quantity that they pay for and that they are entitled to be exempt. The question of exemption is one which I think should be settled by the Court by a trial case. A submission of the law itself without any argument on behalf of the city will make everybody liable who sells or keeps oil. I may be wrong but I wouldn't be afraid to submit the law without any argument. I know there has been a great deal of difficulty about the matter and that is one of the reasons—the main reason why these licenses for coal oil dealers have not been issued. Then there is another point I wish to call your attention to. It is with regard to the surveys that were made. In some cases they ought not to receive a license from the City of Philadelphia. Their places are not kept properly—the oil is not kept in the manner the law designates it shall be kept. This has been the principal difficulty in the non-issue of the licenses to the coal oil dealers.

Q. Why should you not be guided by the City Solicitor's opinion?

A. We have been—entirely, always.

Q. Now, these \$140 for wholesale licenses were paid in January. Was there any dispute in January about the wholesale licenses at all?

A. No, sir.

Q. Was there any in February?

A. No, sir.

Q. Or in March?

A. No, sir.

Q. Or in April?

A. No, sir.

Q. When did the dispute first come to your knowledge about the wholesale licenses?

A. I don't know; but I can say the dispute was constant as to the liability from the commencement of demanding them to have licenses. The complaint was made daily and constantly by everybody who called to the office to inquire about the matter.

Q. Did any wholesale dealer who paid out his money object to taking his license?

A. A number of them.

Q. Objected to taking their licenses?

A. Oh, no, sir. They were anxious, some of them, to get them. I don't believe that the Mayor would consent to issue licenses to some of them on account of the careless manner in which they store the oil—jeopardizing or endangering a whole block.

Q. Instead of putting those moneys in the bank to the credit of the Mayor, why didn't you send them to the City Treasurer's office?

A. It was on account of this dispute. The Mayor had grave doubts in his own mind about it, and expressed them to me, and spoke about the propriety of collecting them. There

was little collected under Mayor King, and under Mayor Stokley I think the largest amount collected in any year during his administration was about \$800. It would run down to two or three hundred dollars. The Mayor expressed great doubt as to the propriety of collecting it. Indeed, in 1885, he refused, not feeling clear on the subject. So there was very little or none collected under his administration in 1885.

Q. You say the present Mayor didn't collect because of the doubt?

A. Yes, sir. The Board of Fire Underwriters and a large number of citizens called upon the Mayor, and urged him to make this collection. The fact is, so far as we have gone in 1886, this year, to reduce the number of persons who keep it to a very great extent. Probably I am safe in saying that one-third of the people who kept coal oil have abolished the keeping of it—no longer keep it.

Q. So that the reason for retaining this money from January until August was wholly because of the doubts in the mind of the Mayor as to his right to collect the money?

A. Yes, sir.

Q. Now, the money from the retail dealers is in the same category?

A. Yes, sir.

Q. It was they who made the greatest objections?

A. Yes, sir; they did.

Q. The money received from that source was held back for the same reason?

A. Yes, sir.

Q. Because of the doubts in the mind of the Mayor as to his right to collect it?

A. As soon as there was a decision from the City Solicitor about it, the demands from the retailers were made; and when there came the subsequent decision of the City Solicitor,



directing that the money should be paid into the City Treasury, the whole of it was paid into the City Treasury—both from wholesale and retail licenses.

Q. Now you collected from these dealers in coal oil a sum of money for surveys?

A. Yes, sir.

Q. That amounted to \$5 from retailers and \$10 from wholesalers?

A. Yes, sir.

Q. You collected it and paid it over to Fire Marshall Wood?

A. Yes, sir. The law designates that he shall have it and that it shall first be paid.

Q. And you paid that over to him, except so far as the amount you retained by reason of the arrangement between him and yourself?

A. Yes, sir.

Q. That was that one-half of the fee should be kept by you for your trouble, or for any reason, it does not make any difference what. You kept that and paid him the other half.

A. That is true.

Q. Now, you said that but twenty-six surveys were made, and that he was paid for sixty-one surveys. Is that it?

A. Yes, sir.

Q. Why didn't he make the other surveys?

A. I do not know. He has not done his duty—not performed his duty in that respect.

Q. Was it because of his discharge from his position?

A. Most of those surveys could have been made by him prior to his discharge. In fact, all, except that probably you may not include the last day.

Q. Then he was negligent in the discharge of his duties?

A. Yes, sir; I think he was. You must be the judge of that.

Q. Now, fines for the redemption of dogs you had nothing to do with?

A. No, sir.

By Mr. Clay :

Q. According to the instructions you were acting under this year, if a pawnbroker made application for a license, and executed a bond and had a policy of insurance, so that in case of fire the loss would be made payable to William B. Smith, the Mayor, and paid his \$100, would you then think that all the requirements of the law had been complied with, and that the man was entitled to his license?

A. If he was a man of good character.

Q. Do you know Moses Phillip Hamburg, a pawnbroker? e

A. I don't recollect him.

Q. Do you know whether there is a pawnbroker of that name?

A. I think there is.

Q. He says that he paid you \$100 for a license in the early part of this year, in the month of January, and that at the same time he filed a bond and left an insurance policy with the loss made payable to the Mayor; and he says that the two policies are there, renewed in January and March—both in Major Linton's safe—are there now; and he says that he executed his bond early in the year. Yet for all this time he has not received his license. Why is that?

A. Well, I presume he is in the same category with the others.

Q. Now, this man has done everything you said he should do—had his policy made out as required, and executed his bond and paid his money, and yet he has not received his license; why?

A. I think I have fully answered that question before.

Q. But he has done everything and has not got his license?

A. He may have done everything; I don't know whether

he has; there may have been a cause for the delay which I don't recollect; but I place him in the same category with the others; there were some that did comply with the law in the early part of January, and I have given the reasons why their licenses were not sent to them.

Q. Now, here is Jacob Myers, who testifies that he gave you his check in the month of January, and at the same time filed his bond, and since then he has renewed his insurance and delivered the receipt to you three or four weeks ago, and yet up to this time he has not received his license?

A. I have not had the time to make out the licenses of those who are entitled to them; I presume that after to-day I shall have the time, and inside of forty-eight hours everybody entitled to a license will receive one.

Q. That is your intention?

A. Yes, sir. I had hoped to have had time to do it after the 22d of August, immediately after the payments into the City Treasury of the money, but I have not had the time.

Q. But these men stated that early in the year they did all that was required of them, and yet have not received their licenses?

A. I have waited for seven or eight months for some of them, but the moment they comply they want everything, and I have not had the time to accommodate them.

Q. Then, the only reason you now give why they have not received their licenses after they have complied with all the requirements of the law, is that you have not had the time to make them out?

A. I have not had.

By Mr. Claridge:

Q. Jacob Rosenthal, in his testimony before the Committee, states that he paid \$100 to you, and that you gave him a receipt "Subject to appraisal." Why did you do it in that manner?

A. I often issue receipts for the payment of money when they require it.

Q. Was that because he had not filed his bond or insurance policy?

A. I do not recollect, but very likely. When an applicant comes for a license I distinctly inform him that I am compelled to submit everything to the Mayor for his approval—the bond and the policy of insurance, and everything else connected with the matter.

Q. I want to find out whether that was one of the cases where the party had not complied with the law?

A. It is very likely.

Mr. White, of counsel for the Mayor :

There is one question I would suggest. The witness has testified that his instructions were to compel all these people to comply with the law, and whenever they had done so he would so report to Mayor Smith. Now, I think the question should be put to him, whether, in any case in which he reported that any pawnbroker had complied with the requirements of the law, there was the slightest delay in turning that money into the City Treasurer.

By Mr. Roberts, Chairman :

Q. Will you answer that question?

A. Never—when I made such a report.

Mr. Clay :

I move that the Committee take a recess for one hour.

The question being upon the motion of Mr. Clay,

It was agreed to.

## AFTER RECESS.

The Committee reassembled at 2.30 P. M. upon the termination of the time given for recess.

Mr. Roberts, (Chairman): The chair will state that he has received a communication which will be read by the clerk.

The Clerk of the Committee, Mr. Eckstein, here read the following paper.

*Philadelphia, September 8, 1886.*

MR. CHARLES ROBERTS,

Chairman Investigating Committee.

DEAR SIR:—Will you permit me to correct that part of my testimony given this morning, wherein I stated that “Ezra Lukens was warrant clerk, and that Benj. I. Andrews assisted in filling up the warrants.” Upon examination of the records, I ascertain that Mr. Lukens is “Assistant Clerk,” and Benj. I. Andrews is the “Warrant Clerk.” Both have been confirmed by Councils, and their names appear upon the roll made-up, and sent to the Controller as the “Headquarters Roll.”

Very Respectfully,

JAMES STEWART, JR.,

*Chief of Police.*

Mr. Clay: I move that the paper be made part of the records by the Committee.

The question being taken upon the motion of Mr. Clay.

It was agreed to.

*John L. Linton* re-called.

(Certain checks are here produced and shown witness.)

By Mr. Roberts, (Chairman).

Q. You notice that these checks have been altered (indicating checks)?

A. I do.

Q. Who altered them ?

A. There are two checks here dated January 3, 1885 that were made payable to bearer—two checks both dated January 3, 1885, each for \$100. The alteration made to bearer I do not recognize as my writing. I do not know who altered them unless the drawer himself. They are drawn, one by Harvey & McGarry and the other by A. J. McGarry.

Q. Were they in that condition when they came into your possession ?

A. They must have been, because they are endorsed by the Mayor. I passed them over to him.

Q. What about the other three checks (indicating checks) ?

A. They are dated Jan. 6th, 1886, each of which have been drawn by Harvey and McGarry or A. J. McGarry. On two I think I recognize my handwriting—W. B. Smith or order.

Q. The W. B. Smith is written by you ?

A. Those three (indicating checks) are in my handwriting ; yes, sir.

Q. You do not know how the other two were altered ?

A. I don't know ; I don't recognize the simple words " or order " written on them ; I don't think it is my writing ; I will say, in addition, that none of these checks were altered unless by authority, and signed by the drawers of these checks.

By Mr. Lawrence :

Q. You make the statement, notwithstanding the drawer of the checks has sworn positively that they were altered after they left his possession, and without his knowledge and consent ?

A. I do, most emphatically.

By Mr. Roberts, Chairman :

Q. Do you know anything about the occurrence at all ?

A. I do not.



Q. You remember nothing about them asking whether you could change them or not?

A. No, sir; I stated to every one that I could not accept a check drawn to the order of the City Treasurer.

Q. You remember that you altered those three checks (indicating checks), but do not remember the conversation on the subject?

A. Only—that I can say positively—that my writing was done by authority and by consent of the parties who presented the checks to me.

Q. Have you the books you were requested to bring here before the Committee?

A. Yes, sir. I have here an extract from the bond and policy of Daniel Rosenthal. The policies of insurance are for \$2500 each from Daniel Rosenthal (referring to papers), neither of the policies have been renewed, as can be seen by an examination of them. Mr. Rosenthal has no policies on file in the office that were got since January 1, 1886. I have an extract made from the bond book that designates the bond signed January 5, 1886, by Elizabeth Devine, security.

By Mr. Clay :

Q. For Daniel Rosenthal?

A. Yes, sir.

By Mr. Bardsley :

Q. I understand you to say that the insurance of Daniel Rosenthal expired prior to the 1st of January of this year.

A. It expired January 1, 1886.

Q. But since then there has been no renewal?

A. No, sir.

Q. So that to-day he stands a defaulter to the extent of his insurance policy at any rate?

A. Yes, sir.

Q. And is also a defaulter according to your testimony on the money?

A. Yes, sir.

Q. How about the bond?

A. It is dated January 5, 1886. Signed by Elizabeth Devine.

Q. That is all right then?

A. Yes, sir.

Q. The policy of insurance is not there, nor is his money.

A. No, sir, not according to my judgment.

Q. What did you find out about the Etta Heimens?

A. You did not give me a memorandum of that.

Q. You say that she paid the money to you?

A. Well, I had no memorandum given to me about it with that reference, and I made no examination.

Mr. Roberts (Chairman): I would just remind the Committee that she don't say that. She is abroad.

Mr. Clay: If the bond book was produced we might probably save putting some questions to the witness.

The witness: It can be produced.

By Mr. Bardsley:

Q. You were asked to produce your books, if you have any, showing the record of the pawnbrokers, when they paid their money, and when their matters were complete. In other words, we want to know how many there were who completed their arrangements in January?

A. I have examined the books carefully, and I have no record as to the time they completed the whole arrangement.

Q. Of any of them?

A. Except those I recollect of.

Q. Except what?

A. That I have full knowledge of or remember.

Q. Have you any book to show that ?

A. No, sir ; no memorandum to show when they completed their bonds and policies.

Q. Have you a memorandum to show the names of those who did not complete their arrangements in January ?

A. By comparison I might be able to do that. No, I could not, because they have complied—most of them in August.

Q. How could you write to them to hurry up. That they must come in and complete their bonds ?

A. I would notice by the bond book that they were not complete.

Q. By which book ?

A. By the bond book, and by the policies being short.

Q. How could you tell by the bond-book that they had not paid the money ?

A. Not by the book ; I could tell whether the bond was executed or not, and by examining the policies could tell about the policies—whether they were there.

Q. How could you tell that the policies were not there of those who had not complied with the law ?

A. Those were filed since August 22, and I kept them separate from the others.

Q. But I am speaking of the time prior to that—January, March or April ?

A. They were put in and filed in my fire proof, but no dates were kept of when they completed them.

Q. But you said in your testimony this morning that you repeatedly wrote notes to these people. I then asked you to produce your copy book containing a record of the notes that you sent them. You have not brought that book with you ?

A. I said that I did not take copies of them.

Q. You said you were not sure ?

A. Yes, sir ; but I have looked and I have found no copies of such notes.

Q. When did you write such notes?

A. From time to time.

Q. About when?

A. In February, March, April and through the year.

Q. To whom did you write?

A. To those who were delinquent?

Q. How did you know they were delinquent?

A. By examining the policies and their not being on file.

Q. You would examine the policies and they were not there?

A. I would examine the policies.

Q. How could you tell who had paid?

A. By a correct memorandum of those that I kept.

Q. That book showed those who had paid?

A. No, sir.

Q. It did not show those who had not paid?

A. No, sir.

Q. Then how could you know to whom to write the notes—those who had not paid?

A. Well, at the first of the year through the lieutenants of the different districts—they were required through their men to ascertain all the pawnbrokers in the different districts and report the same?

Q. Their names and locations?

A. Yes, sir. And from that list alone I knew those who had not paid.

Q. Where is that list?

A. I really do not know. I may have it, or I may not have it. It is made out in districts—on slips of paper. I may have it.

Q. Now of those lists of districts you kept no record? You did not enter those lists in any book?

A. No, sir.

Q. So that to-day your records do not show a copy of the lists of the pawnbrokers in the City of Philadelphia?

A. I think the lieutenants have a copy of the lists.

Q. But I am asking you?

A. I have not.

Q. You have no books showing the names of the pawnbrokers who are licensed according to law to-day?

A. Yes, sir; I have.

Q. What kind of a book is that?

A. Of the licenses that have been issued up to No. 37, I think.

Q. Have you a book containing the names of those who have paid the money?

A. I have.

Q. That same book?

A. No, sir; I have a margin from which a license was taken—of those that were completed.

Q. The Stubbs?

A. Yes, sir. And then I have a list of all that have paid.

Q. Have you a list of all those to whom you are about to issue licenses now?

A. Yes, sir.

Q. How do you know that that list is correct, as to policies of insurance and the bonds?

A. I can readily tell that.

Q. By looking at the bond book?

A. By looking at that and looking at the policies.

Q. But you have no record at all?

A. No separate record.

Q. You said that you wrote to a number of the pawnbrokers that they must come up?

A. I often would meet them, and I spoke to them on the subject.

Q. And you often wrote to them ?

A. I did.

Q. Who were some of them you wrote to ?

A. I cannot designate. I don't recollect the names.

Q. Cannot you recollect the names of any ?

A. I am not sure that I could.

Q. Not of one ?

A. Not one.

Q. You met them on the street sometimes ?

A. Yes, sir. And called their attention to the fact.

Q. Did you know them ?

A. Yes, sir—personally.

Q. By their names ?

A. Yes, sir.

Q. Tell us the names of some you met on the street and asked to hurry up ?

A. I really cannot recollect. I paid no attention to it. It was casually done, and I did not take any pains to recollect it.

Q. Not of one of them cannot you give the name ?

A. No, sir ; at this time I don't recollect one of them.

Q. Can you give us the names of those to-day who have not complied ?

A. I can. It might take me a little time to go over it.

Q. Will you make such a statement up and bring it here this afternoon ?

A. Yes, sir.

Q. Where, in the Mayor's office, are your quarters ?

A. On the east side of the building, the windows facing Fifth street.

Q. It is part of the large room where the lieutenants meet in the morning ?

A. Yes, sir.



Q. How long have you occupied that portion of the office?

A. I have been there, I think, about two years, or a little over.

Q. Have you a safe in it?

A. Yes, sir.

Q. What does that safe contain?

A. All my books—license books.

Q. What else?

A. All the lieutenants' books for the various licenses that I issue; and it contains all the policies of insurance and any money that I may have on hand.

Q. And the bond-book also?

A. All the books connected with the issue of licenses.

Q. And any record that you may have to keep?

A. There are other records in it; records of ordinances that have been approved, as well as an abstract of all contracts signed by the Mayor, and when signed. I think that is about all that I have.

Q. You will bring the stub-book over and the book of the bonds this afternoon?

A. Yes, sir.

Q. Are you engaged now in preparing the licenses of those who have perfected their arrangements?

A. I expect to-morrow to commence filling them all up. It will probably take me forty-eight hours to complete them.

Q. This is one of the licenses, is it not (indicating a license)?

A. Yes, sir.

Q. Is that your handwriting (indicating on the license)?

A. It is.

Q. Are the licenses signed by the Mayor?

A. Always.

Q. After you fill them up or before?

A. After I fill them up.

Q. And the seal is put on afterwards ?

A. After the Mayor's signature.

Q. And then you have to send them to the City Treasurer's Office to have the receipt put on ?

A. Yes, sir ; and then the returns are sent by mail to the parties to whom they belong.

Q. There is not much clerical work there (indicating license); how many of these would you fill up, if left alone to yourself, in an hour ?

A. I should think that, on a cool day, in an hour I could fill up fifty of them.

Q. How many have you got to issue ?

A. Fifty-three ; I think it is.

Q. So that would be a little over an hour of your time ?

A. But that would be but a small portion of the work to be done in connection with the work to complete them.

Q. What is the other portion ?

A. Signing by his Honor the Mayor, and sealing them, and sending them to the City Treasurer, and then having them returned back to me, and then mailing them. It will take all of forty-eight hours to accomplish that, I think.

By Mr. Clay :

Q. Do you collect a uniform fee from all the pawnbrokers ?

A. No, sir ; I do not collect any fee from them.

Q. I am speaking of the license.

A. I beg pardon ; I collect them all.

Q. You charge each man uniformly a hundred dollars ?

A. Yes, sir.

Q. Have you ever made any effort to ascertain whether there were pawnbrokers doing more than ten thousand dollars' worth of business annually ?

A. I have very often made an effort to collect more than the hundred dollars.

Q. What have those efforts consisted of?

A. I have asked the amount of business done the year previous, and they have reported to me that it was within the limit of the one hundred dollar license fee. I have asked them what business—and it was a very foolish question to put to them—what business they expected to do in the coming year. They could not reply, but I did not expect a reply from them. The only charge under the law possible to make then, is that of a hundred dollars.

Q. You say you simply asked them whether they did more than would come within the limits of the hundred dollar fee?

A. I did ask them repeatedly.

Q. Did you ever require from them such evidence of the character of their business as would convince you that their business did not exceed a hundred dollar fee?

A. They could not tell.

Q. Did you put them under oath?

A. No, sir. It was impossible to tell what would be done in the following twelve months.

Q. But couldn't they tell you what had been done in the preceding twelve months?

A. They could; and I put the question. They would say that it had been within the limit of the one hundred dollar license.

Q. And you accepted their statements?

A. I did.

Q. You never thought that the law gave you the right to demand or require from them such assurances as to the amount of business they were doing?

A. They gave it to me on their words of honor that it did not exceed the limits of the hundred dollars.

Q. And you were content with them?

A. I was.

Q. Are there not a number of private watchmen sworn in during the year as police officers?

A. I believe there are.

Q. Who are furnished with badges, in order to show their authority?

A. I do not know that.

Q. Who keeps the record of the private watchmen sworn in?

A. I believe the assistant clerk.

Q. What is his name?

A. Ezra Lukens.

Q. Is there a fee charged for swearing them in?

A. I do not know anything about it.

Q. Who would know that?

A. I presume Ezra Lukens himself would.

Q. He keeps a record doesn't he?

A. I presume so. I do not know that even.

By Mr. Reinstine.

Q. You stated this morning that you received all the moneys for the licenses?

A. Yes, sir.

Q. Do you keep a cash book?

A. I have a book for the entries; when I receive them I put it down on a slip first; taking the name of the party on the slip and designating whether the policy is filed and whether the bond is filed.

Q. Have you no cash-book where you put down, for instance, a hundred dollars as received from John Smith—credit it to cash?

A. No, sir; because I pass the money over immediately out of my hands.

Q. To whom?

A. To the Mayor; and he deposits it in bank.

Q. Do you not think it would be a proper way to put it down in a cash-book?

A. I think it would be a better way to do it; but I have not done it that way.

Q. How can you keep your accounts straight if you do not keep them that way in a cash-book?

A. I have no necessity for a cash-book, because the money is passed immediately over and deposited in bank.

Q. But couldn't those slips be lost by you, or might not his Honor the Mayor mislay them? Do you not think it would be a proper way to keep such a cash-book?

A. Probably it would.

Q. Did you keep any such account?

A. No, sir.

*Isaac H. Shields*, being duly sworn, according to law, testified as follows:

Examination by Mr. Roberts, Chairman:

Q. What is your business?

A. I practise law.

Q. We have been informed by his Honor the Mayor that, in regard to the law relating to these licenses, he has been guided by the advice of his counsel, Isaac H. Shields, Esq.

A. I am that person.

Q. Will you give us any statement or explanations you have to make?

A. Some time in the spring of 1885, the Mayor asked the question if the moneys paid by the pawnbrokers into the

hands of Major Linton at the time of making their applications for licenses were city moneys, or whether they were received by Major Linton as the agent of the pawnbrokers? I told him that in law the money was received as agent for the pawnbrokers, and was not city money.

By Mr. Bardsley :

Q. Was that in answer to a question from the Mayor?

A. Yes, sir.

Q. As to what he should do with the money?

A. I said that some time in the spring of 1885, the Mayor asked me if the moneys paid to Major Linton by the pawnbrokers on application for their licenses were the moneys of the city, or whether Major Linton in receiving the money was simply the agent of the pawnbrokers? I advised him that the money was in the hands of whoever received it at that office—whether Major Linton or any other person—as an agent of the pawnbrokers, and became the city's money only when the license should be granted. Then it was the city's money.

Q. You were going on, I believe, to make a further statement?

A. No, sir; I had ceased; I was reflecting whether that was not a full answer to the question; I think that answers the point.

Q. That was early in 1885?

A. Yes, sir; I do not remember the date, but I know it was in the spring of 1885.

Q. Would that have been your answer if Major Linton had paid the money over to his Honor the Mayor? Would the relation still have continued to be that the Mayor was the agent of the pawnbrokers?

A. Unquestionably—yes, sir.



Q. Unquestionably the relation would have continued, you say?

A. Yes, sir.

Q. Wherever that money then and now, wherever it could be found, it would be the pawnbroker's money?

A. That was my judgment then and it is my judgment now; I was clearly of the opinion that it was wrong to put that money into the Treasury, for if the license should not be granted by the Mayor, it would put the citizen to the expense of getting his money out of the Treasury, and it seemed only fair to my mind as well as legal.

Q. Did the Mayor ask you what he should do with the money after the pawnbrokers had perfected their licenses?

A. Not a word was said about it to me.

Mr. Roberts, Chairman.

Q. Do you still hold that opinion?

A. I do hold that opinion still.

By Mr. Clay.

Q. Your opinion was not that after the license was issued the money was still the pawnbrokers?

A. My opinion was not asked about that

Q. It was only in regard to the money that had been paid and the license not issued?

A. The question was pending, or the investigation was, whether or not the license should be granted, and the question was, whose money is it—is the city's or the pawnbrokers? I gave it as my opinion, as an humble citizen, and as an humble lawyer, that until the license was granted it was the pawnbroker's money in the hands of his agent.

*William B. Smith*, being duly sworn, according to law, testified as follows :

Examination by Mr. Roberts (Chairman) :

Q. You are the Mayor of the City ?

A. I am.

Q. Will you please make to the Committee any statement you may have to make, bearing upon the matter under investigation ?

A. Yes, sir. In the latter part of 1884 persons mentioned to me that the pawnbroker's licenses were not uniformly and fairly paid or collected. I instructed Major Linton, who was then in the office as Secretary to myself, to examine into the precedents in the office and report to me the modes that had been adopted for their collection. The matter had previously been in the hands of Mr. Marcer who was at this time in a delicate condition of health, and not able in my opinion, to follow up the matter legitimately to a conclusion. Upon looking at the records I found that only sixty pawnbrobers had paid during the preceding year. I noticed the gradual decrease in the number, and I feared that the law was not fully and fairly carried out in regard to all, but that some pawnbrokers hadn't paid. Major Linton presented to me a statement showing some matters of record, and showing a correct list of the pawnbrokers that had paid, and there were only a very small portion of them, possibly half a dozen, who had complied, as I remember, with the requirements. I was advised further that it had been the habit to make a small compensation to the clerks. I made a little inquiry about it, and found that it was a voluntary offer. I went to a pawnbroker who was a friend, and he said it has been a habit, and said the Mayor has nothing to do with it—it is done as a matter of kindness to the official. In the meantime I directed the preparation of a circular (copies of which are upon record) directing Major Linton first of all, to notify the Lieutenants of each district that they should se-

secure a correct list of all the pawnbrokers and their residences. Upon the receipt of that list it was laid upon my desk, or by him handed to me, and he was directed to communicate with them and say that the law must be carried out in its entirety—that they must file an application and place an insurance policy with the loss payable to the Mayor—the policy was not necessarily to be in the name of the Mayor, but in case of a loss that it should be payable to the account of the City of Philadelphia—and that they must file a bond. There was a great deal of difficulty and contention, and I was waited upon and the endeavor was made to induce me, as a matter of politics and wisdom, not to enforce the law. It was said that it had not been enforced in the past and that it was not necessary. I still believed that it would be for the protection of the city. I was anxious to have the greatest knowledge possible of that business, and felt that if any matter connected with the Police Department could be benefitted by a relationship which would give us knowledge and control of it, it would be a good thing. About this time I consulted my attorney, Mr. Shields, in the capacity of private counsel early in '85, possibly in the second or third month of the year. He advised me on the position I assumed, a position that agreed with my own thoughts and feelings, and which has the support of every one of the five gentlemen who represent me before this body. Upon that opinion, and without any willingness to distrust my secretary, I consented, at his request, to place this money upon deposit. I have stated to you, in a previous communication, that my account as treasurer was a general account, never truly official, often personal. I placed this money in that account, and I felt completely satisfied that the City of Philadelphia could be put to no loss—could not lose one cent of her money. I never for a moment had such an apprehension or thought. I have always had resources far more than the amount that was liquidated at any time subject to demand in my hands as Mayor of the City of Philadelphia. When this demand was made upon me, after a delay which was caused somewhat by my unwillingness to be

driven into a position I didn't think to be tenable, I could have paid the City Treasurer with the direct cash out of the safe in my office; but in preference to doing that, I deposited the money in bank, and sent, for safety and convenience, a check to the City Treasurer's Office. I have at all times, since I have been the Mayor, without running after any man, and without accepting proffers of bribes in my duties, had sufficient money to meet every honest obligation that could ever have existed against me. In regard to the dog money, I can only say that when I went into office I spoke to Mr. March about it, seeing a memorandum in a report which come to me. I saw in the office the contract, but I had no knowledge that any money was ever directly realized from the dogs—as coming directly into the Police Department. I saw Mr. March, and he said that the contract is here and you must make an assignment of some one under it. Thereupon I assigned Mr. March as the agent to handle that money. Then I said to Mr. March, “How about your accounts?” At the end of a year, Mr. Bardsley, in order to get up the annual message, it is necessary, incidentally, to inquire of all those men, and to get memoranda of their accounts. When Mr. March came to me, he came with a certified audit from the City Controller. I will say that the amounts from all these sources are very irregular. I have prepared a statement showing the receipts from each, for the last ten years, showing the irregularity in the amounts, and how much opportunity there may have been for just such occurrences as have come to light. Upon finding the account certified to by the City Controller, I felt assured the matter was all proper, and until that announcement made yesterday, I had no knowledge of any discrepancy in that gentleman's accounts. In regard to the oil fees, I will say that Marshall Wood and Major Linton spoke to me about the matter incidentally, after the visit of the Board of Fire Underwriters. I expressed to them the fear that it was not a tenable position to collect the money; but with those gentlemen I believe, with both the ex-Marshall and

the Major, that it would be for the benefit of the city, in regard to fire insurances. I had no knowledge of the relation between them, never knew of any understanding between them for a division of the money until I read it in the public prints. I would not have permitted it for one moment had I known it. As regards the collection of moneys by Major Linton I will simply say that I ordered him, in pursuance of his own request to bring me as speedily and as regularly as possible the pawnbroker's licenses; as to the other moneys they were left untouched in his hands, and I will say I am quite confident they were in his hands intact, until turned over to me on the day on which I made my return. I never felt, gentlemen of the Committee, a responsibility for the city in the receipt of this money, upon myself officially. I was positive in my belief that if these pawnbrokers had any claim, it was against Wm. B. Smith and not against the City of Philadelphia. That was the belief in my mind—my opinion; but in deference to the City Solicitor's opinion which became the legal one, the current of my thought was changed. There are people to-day applying for licenses whom I fear I cannot license as the Mayor of Philadelphia. Now as regards the Mayor's prerogatives, so far as this is concerned, I felt assured that he had an absolute control of the receipts of those moneys, to remain in his hands until the licenses were presented upon my desk. When they have been presented upon my desk it has been my habit to make inquiry through the police department, as to the character of the people who wanted them, before I signed them and sometimes they have been delayed, with the result that this year I have memoranda of persons which will prevent me, I fear from issuing licenses to those people. I want to say to the Committee that I am open to the fullest questioning, either as to the methods of the Department, the details of the men or the management of the force. I have nothing to hide from you. I have done nothing concerning which I seek to escape inquiry. I think I have acted for the reputation and for the best interest of the city; and I am willing to be interrogated in whatever



may tend to the enlightenment of the public or the justification of myself.

By Mr. Lawrence :

Q. You heard the testimony of your secretary?

A. I did.

Q. You heard him testify that by your orders he had examined carefully into the law governing the issue of warrants to pawnbrokers?

A. Yes, sir.

Q. Consequently, he and you were conversant with the law?

A. We were.

Q. Doesn't the law require that the pawnbrokers must get their licenses in January?

A. No, sir.

Q. The law expressly states that they must be issued, and they expire the following January. Consequently, after the 1st of January they would be conducting business without licenses, if they were not issued. You are aware of the fact that it is a misdemeanor for a man to conduct that business without a license?

A. I am aware of that, but it is not in my hands to correct? I can only communicate with the City Solicitor, and he must open suit. I will say that during 1885 Major Linton incidentally—not in an official statement—from time to time said to me, Mr. Mayor, there are some details and difficulties in the way of getting out these licenses; they are partly in form and everything will be all right—as soon as these people bring to me what is necessary. I said to him repeatedly, now, Major, you will hurry up the license matters; but I never did anything but instigate him to a little more speed in preparing them.

Q. It has been testified to before this Committee, and the testimony has been corroborated by checks which were produced, that licenses were paid for by pawnbrokers in the month



of January, 1885, but that the licenses to those pawnbrokers were not issued until December, 1885. Now, how do you explain to this Committee that you and your department were justified in permitting that delay, and how are you justified in not notifying the City Solicitor of such dereliction on the part of applicants for license?

A. I can only say in answer that I kept no record, and depended entirely upon the Secretary for records of the payments. He kept the dates of the payments, and when the collateral provisions incident to them were complete, he could at any time come to me with them. When I spoke to him, he said that they had not yet filed their policies of insurance of deposited their bonds, and that as soon as they do so I will bring you their licenses. I didn't go over the account *ad interim* during the year.

Q. What term would you apply to the management of an office that would allow people to carry on an illegitimate business for eleven months? What would be an apt term to apply to the management of such an office?

A. I don't know. I don't know what term I would apply to the management of that office, because it is not my place to apply terms to any person. I would certainly say that a department which did not enforce, in so far as it could, provisions which were made absolute, was derelict in its duties. But I suppose the term, where there may be a punishment, don't change the condition of matters.

Q. I am not speaking about the punishment. I wanted to get your views about such dereliction and directed your attention to it in what might be considered an official character?

A. It is more neglect of duty than a misdemeanor.

Q. Where these persons have continued in that manner for eleven months?

A. Yes, sir. It is almost as bad as under previous administrations; perhaps not quite so bad, but almost. It is no worse certainly. I want to show that in these matters the

City of Philadelphia has not been injured but helped. For the year 1886 there is a variance of \$1,600 between the lowest and the highest. In 1883 it was only \$6,700, and there was only collected in 1884, \$7,100; and in 1885, \$7,500; and in 1886, \$8,000.

Q. There are certain arrangements which must be completed before licenses can be secured?

A. It is my honest belief, as an official of the City, that there is no power in the Supreme Court of the State of Pennsylvania which could be exercised upon me to force me to issue a license if I should have reason to think that it was not well that it should be issued.

Q. I agree with you in that entirely. But what I want to get at, is this: There are certain things that must be done to enable an applicant to get a license?

A. Yes, sir.

Q. One is to file a bond, and another is to file a policy of insurance, both of which are for the protection of the depositors of the pawnbrokers, and the third is the payment of a license fee of \$100. It appears to be the opinion of these pawnbrokers, that all that is necessary for them to do, is to pay \$100, and that their duty is performed. Now, when they conduct their business without having complied with all the provisions of the ordinance referred to, namely, the filing of a bond, and a policy of insurance and the payment of the \$100 fee—every day they conduct their business, it is conducted to the jeopardy of their depositors, is it not?

A. Certainly.

Q. There is no security, then, for the goods deposited there during the time a pawnbroker conducts his business without having complied with the law—without having a license. Now, it is somebody's business to protect those depositors. Let me ask you whose duty it is?

A. So far as the duty is implied by the filing of the policy of insurance and the bond, certainly it is the duty of the police department—of the Mayor's office.

Q. The police department can order a pawnbroker to comply with the law, or to cease business?

A. No, sir.

Q. If you notified a pawnbroker on the first of January that he must renew his policy and comply with the law. If he did not do that, could not you immediately notify him that he must stop his business until he did it?

A. No, sir.

Q. Whose duty is that?

A. Under the law it would be my duty to notify the City Solicitor if that man persevered in business, and then he could prosecute him for the penalty.

Q. What penalty?

A. One thousand dollars.

Q. A number of the pawnbrokers testified that they had complied with all of the provisions, but had not received their licenses. Major Linton has told us that the reason the licenses were not issued was because he was reserving them until such time as would suit his convenience and the convenience of the City Treasurer to receive the money—that, therefore, he did not issue those licenses. The Major further testified that every day he made a return to you of the moneys received on account of those license fees?

A. The Major's habit was this—he received those payments in his small room, which is 45 or 50 feet distant from my room. At the close of each day, when he had money, he would come in and say, "Mr. Mayor, deposits;" simply holding the bankbook up and saying "deposit." In other words, it was that he was going to bank. If there were any checks that required to be endorsed he used to pull the slide out of my desk and would simply lay them down, face downward, and get my endorsement on them, and then take them and deposit them in bank.

Q. Then you really did not know upon any day whether, or not, John Smith, for instance, had paid his license?

A. I had no knowledge of it.

Q. That was left entirely to Major Linton?

A. Yes, sir.

Q. So, that if John Smith were to come to you and ask you for a license, telling you that he had paid for it in January, you would not know whether he had paid or not?

A. I can say that no complaint ever reached me—that up to the time of this publication there never was a complaint to me in connection with the duties of that office. I have never been a witness of the payments made upon any of these subjects. I have never seen a policy paid into the office.

Q. In 1885 it appears that none of the moneys were paid into the Treasury until December?

A. In August.

Q. But the major part was in December. The City Treasurer's return shows that certain moneys were paid for that purpose in August. Were there any complaints through 1885 as to the non-issuing of the licenses?

A. No complaint has ever reached me upon the subject. If complaints were made, they must have been made to some one else, and never, with my knowledge.

Q. Did no pawnbroker ever ask you for a license?

A. No, sir.

Q. No one complained that any pawnbroker was conducting his business illegally?

A. No, sir.

Q. Was there never any discussion about the danger to the community of allowing their business without licenses; was there never any fault found?

A. We have never had any police difficulty with the pawnbrokers. We have on all occasions since the commencement of the administration claimed the right to daily open and examine the books of their establishments, which right they have

accorded without cavil. And in very few instances have we found that the goods there were not properly up on the registers.

Q. Now, you say that you were not aware of the discrepancies of Mr. March until he testified yesterday?

A. I was not—no more than you, yourselves.

Q. He was asked, yesterday, when he would have returned this money to the City Treasury had not this investigation been started. His answer was that he did not know, but that he certainly would have returned it previous to the expiration of his term. So, I ask you the same question. Suppose that this agitation had not been started, when would you have paid this money into the City Treasury?

A. At the very earliest moment that I could when Major Linton brought his statement to me.

Q. That undoubtedly would have been before the expiration of this year?

A. Without question.

Q. According to your statements to the City Controller, you had some \$8,000 or \$9,000 to the credit of the city in your hands, or in other words you had in your hands what your counsel said were moneys for which you were the agent for the pawnbrokers, to that amount. Did you keep that money in a separate account?

A. I did not.

Q. You deposited that?

A. I deposited it in a general running account, which covered, during a portion of this year, the sum of \$48,000 in deposits, and I had always, either in my individual pocket, in my safe, in my office, or in my business, ample ready cash to meet the entire obligation which was due the City of Philadelphia.

Q. Then at all times, in your safe or in your pocket, you had at least \$9,000?

A. In individual cash and resources of my own.



Q. So, that you could, at any time, have replaced that money?

A. Upon the first intimation. The City Solicitor could not have called upon me, at any time, and failed to receive the money.

Q. In the testimony produced before this Committee by the officers of the Fidelity Trust Company, the statement was made that you had an account in that bank, and that statement was corroborated this morning by Major Linton. An officer of the bank testified that you simply had an account as William B. Smith, Treasurer, and a statement of that account was produced here. Major Linton, in his testimony this morning, thought you deposited the checks or the moneys paid in by the pawnbrokers in the account of William B. Smith, Treasurer, in the Fidelity Trust and Safe Deposit Company?

A. Yes, sir.

Q. An officer of the bank produced a transcript of your account which showed that at the time, according to the statement of moneys received, when you should have had some \$8,000 or more in your possession, that your account was overdrawn. Do I understand you to say that at the time that account which contained the City's money was overdrawn you had in your possession sufficient funds to make all good?

A. Absolutely. I was absent from the city when the account was overdrawn, when the two checks were protested. The error came from failing to check off a check slip when the check was drawn. When I left the city to go on my trip I left at my office, in Major Linton's hands, outside of any necessary sum, a round sum of money that was larger than the amount of the two checks—simply for the protection of bills that might be presented. Upon the eve of my departure I wrote out those checks and mailed them. There was one check which I had failed to take off. When the bank notice came to my office in my absence it was in a sealed envelope, which there was no authority to open, and they went to protest. But they were paid on my return. A deposit was made.



Q. You say that by the advice of your counsel, Mr. Isaac H. Shields, Esq., you retained these moneys as not being city's moneys. Why didn't you ask the advice of the City Solicitor on that point instead of the advice of Mr. Shields?

A. Because there was no question or doubt in my own mind as to the legal position. I asked him simply as an attorney and his opinion vindicated my own so strongly that there was not a shadow of doubt about it. If there had been any doubt about it I would have asked the opinion of the City Solicitor.

Q. Then you have no doubt about it now?

A. No. I think I was perfectly and legally right in the matter. I think the money shouldn't have been received at the office, but being received it was not city money until the licenses for which it had been paid were issued.

Q. The City Solicitor disagreed with that view, upon a question put by you?

A. Yes, sir.

Q. And upon the reception of his opinion you——

A. Upon the same day I paid every cent over.

Q. The money you paid over was part and parcel of this money to which you have referred as having either in your pocket or in your safe at the time the city money had been paid you?

A. It was made up entirely of ready money which I had at my command.

Q. Which you could have paid?

A. At any moment, either to the individual pawnbroker or upon the demand of the city.

Q. You reconcile the fact of your account being overdrawn by your absence from the city?

A. Yes, sir. I may have been careless in banking funds, but I was satisfied of my own financial ability, knowing that I was in no financial distress. I have never been in a condition to require money.

Q. Without being personal, may I not ask you whether you are not naturally careless in money matters?

A. I may possibly be a little easy, not careless; I think that for the amount of work I do, taking my good qualities along with the bad, I do it as well as any man could, covering so much labor; I may be a little negligent in money matters, but that negligence has always been against myself—not against anybody else.

Q. You mean to say that you strike a fair average?

A. I never wronged any man in my life.

Q. If you had this money at your command, as you have stated, don't you think it would have saved a great deal of trouble if you had made this statement at first?

A. It would have; but when a public man is assaulted and charged with almost everything he can be charged with, and hounded down, his manhood will not permit him to humble himself sufficiently to go upon the stand, even to vindicate himself; will not permit him to make any defense until such time as there can be an official investigation.

Q. I hope that you do not refer to the Committee in saying that?

A. No, sir; nothing of the kind. I want to say that to yourself and to the other members of the Committee; and to say to the Committee that I will answer any questions that you want to ask me.

By Mr. Clay.

Q. You appoint the subordinates in your office?

A. Yes, sir. My immediate subordinates I selected because of the confidence I had in them. I selected my secretary and Mr. March and those who immediately surrounded me in my position, because of confidence in them and not because of political considerations.

Q. They are entirely subject to your direction and control?

A. I believe they are. When they communicate to me any facts, I give them orders and expect them to do the work.

Q. You are responsible for the manner in which they do their work ?

A. I feel the fullest responsibility and I have never shrunk any liability that could fall upon me because of their neglect of duty.

Q. Now you have, at all times, you say, had in your possession or in your safe sufficient money with which to make good any over-drafts upon the Fidelity account ?

A. I have had ample and more at any time to pay any claim that could be made against me.

Q. Has that been your custom to carry about so much money in cash ?

A. It has been my custom since I have been in public life to keep by me a large sum of money. I have thought it a wise and good thing to do.

Q. What amounts have you had ?

A. From \$5,000 to over \$15,000. As a rule I judge about \$8,000. I have had that money in ready cash at my command, or in other collaterals worth as much, if it was not in ready cash.

Q. You say the two checks issued in July—that the fact of their going to protest was owing to your absence from the city ?

A. Yes, sir; I left the office on the evening of the 6th, and prior to going drew a check. I took that off, but omitted one check, which was a large one, and which had used up my balance. Then I was absent from the city. I thought that there was ample money.

Q. That was on the 6th of July ?

A. The 6th of July that I mailed the checks.

Q. When did you return ?

A. I think I returned on the 15th.

Q. Of July ?

A. Yes, sir.

Q. Did you then remain in the city?

A. Yes, sir.

Q. Until what time?

A. I was not out of the city except in going on the evening train to Atlantic for almost a month.

Q. Then daily, for a month, you were in the city?

A. Yes, sir; with one or two exceptions. I think I passed three days at Atlantic City this season. When I came back the first thing I found was these protests or memorandums from the bank. The Major and Mr. Fell, who by means of the protest had become acquainted with the matter, advised me that it had been fixed in my absence; in other words, that a deposit had been made, which cleared the whole matter up, and that everything was all right. The checks were both paid before they came into my possession. They went into bank the second time and were paid.

Q. Do you recollect the time when you made the deposit in order to make them good?

A. I don't think it was made by me. What is the memorandum?

Q. There is a deposit on the sixth and one on the seventh.

A. I was absent when that was made. The check that came in on my slip, and which was omitted, was unfortunately one of the largest checks I drew. It was for \$3,500, and by being omitted destroyed my whole account. When I left Philadelphia I felt sure there were \$3,000 in that account.

Q. You had forgotten to deduct that check?

Q. Yes, sir. It didn't appear on my slip. When I came back and was told the account was overdrawn, I wouldn't believe it.

Q. The evidence, as we have it before the Committee, is that the two checks were drawn on the 6th of July—one number 108, and the other 106?

A. They were both personal checks—both purely personal checks.

Q. And you say those checks were protested owing to your having previously drawn a check for \$3,500 which was not taken from the account?

A. Yes, sir.

Q. The check of \$3,500 preceded?

A. Yes, sir. When I received my settlement, the discrepancy was not shown. When I received the settlement, the check of \$3,500 was left. You will find it in that balance which was shown you.

(Referring to the pamphlet of evidence before Mr. Clay.)

Q. No. The check of \$3,500 that you allude to was not drawn until the 8th of July.

A. I don't know when it was drawn. But these were out of the city checks. Neither one could have reached here for two or three days, or not for a few days. One went to Nazareth, for my son's tuition, and one went to New Jersey; it came back from Jersey. The large check was drawn for Philadelphia. It was a city check, and the others were out of the city.

Q. When you returned on the 15th of July, you were in the city daily?

A. Yes, sir—with the exception of Sundays.

Q. Did you go away in the month of August?

A. I did.

Q. What time in that month?

A. I think on either the 11th or the 12th.

Q. When did you return again?

A. I returned on the 16th or 17th. I know by the day of the week, but not by the day of the month.

Q. According to what you have said to the Committee, you returned about the 15th of July?

A. Yes, sir; about that time.

A. And you remained in the city for a month, daily going back and forth?

A. Yes, sir.

Q. And you tell us that the two checks of July 6th were protested because of your absence from the city, and your consequent inability to make the account good?

A. Yes, sir.

Q. But during the time you were in the city you kept an account of what your bank balances were—didn't you?

A. I thought nothing about it. I heard about the protests and heard they were corrected. I had no other knowledge about it.

Q. What the condition of your bank account was after your return you were personally responsible for?

A. I think so.

Q. Will you tell the Committee why, on the 8th of August then, your bank account was overdrawn \$97.50?

A. I cannot tell you. I have not had the privilege that you gentlemen have had. I have not had my bank book and have not had the checks. I have not had the means of informing myself as you gentlemen of the Committee. My book has been in the bank or has been in your hands. I cannot explain what I do not know. I simply state, that if that is the case, it is certainly an error. I have not received my checks from the bank. I have asked for them but have not received them. I want to say, that this account I have never considered a matter of official responsibility; it is an account that has run on for six years, and which has carried many hundreds of thousands of dollars in that time.

Q. Yet, during the early part of August and the latter part of July, when you were in the city, there was scarcely anything to your credit in that account. I find that on the 20th of July it was \$5.17 to your credit (referring to the printed evidence before him).

A. One would be glad to have even that sometimes.



Q. Why would you permit that state of affairs to exist if you had \$8,000 in your safe?

A. Because I felt that I was not responsible for the identical money that was received from individuals, but that I was responsible only to make good their demands. If I had consulted some of my friends in the office—for instance, General Stewart—I would have sent the ready money to the City Treasury, but preferred to send a check. Perhaps I was in error about that; but I felt that it was no business of the City of Philadelphia whether I sent a check or the notes, if I made good my obligations. I never gave it very grave consideration.

Q. You have already said that you looked upon this money as trust money, in your communication?

A. I have not said anything of the kind; but if it was a trust it faithfully fulfilled.

Q. You looked upon it as trust money?

A. I was responsible for it.

Q. It was not money of your own?

A. By no means.

Q. You fully understood that the mixing of those moneys with your own funds did not relieve you from responsibility?

A. I will say that it was an annoyance to me rather than a benefit; and if it was to be gone over again, I wouldn't on any account be troubled with it. I would rather open a separate account.

Q. Now, if I understand the correspondence which has taken place between you and the City Solicitor, and also the advice which was given to you by your counsel, Mr. Shields, just so soon as the license fee had been paid and the bond executed, and the policy of insurance delivered, and just so soon as all you required in regard to other things was satisfied, then the pawnbroker was entitled to his license?

A. Most undoubtedly.

Q. Now, the Committee have had testimony before them to the fact that a number of pawnbrokers had complied with all the requirements exacted by your department, and notwithstanding that their money was still held by either you or Major Linton, their licenses were not issued.

A. The money was not held by my consent or approval. I would not have permitted it. It was held because I was advised by the Major that he had no licenses ready to issue. He has so stated to me. During '85, on repeated occasions, I have asked him to hurry matters forward on my desk, repeatedly.

Q. You have knowledge of the ordinance requiring the payment of the city's moneys into the City Treasury on the day they are received.

A. Yes; but I have no knowledge of the application of such an ordinance to the Mayor of the City of Philadelphia.

Q. But you had knowledge. I ask you the question. You have knowledge of the ordinance requiring the payment of the city's moneys into the City Treasury on the day they are received?

A. Yes; I do have that knowledge, but as I do not have the knowledge that those were the city's moneys I cannot see how that ordinance was binding.

Q. You understand that all moneys due the city are to be paid in on the date of their receipt?

A. No, sir. You do not state it right. It is not all moneys due the city, but all moneys paid into the departments.

Q. Do you have a knowledge of the ordinance which requires that all moneys paid into the departments belonging to the city are to be paid into the City Treasury on the day of their receipt?

A. Since this discussion, I have a fair knowledge of it.

Q. Did you not have such a knowledge of it before?

A. I do not think that any department, or that the various departments of the city, were aware of its existence. I know they did not comply with its requirements.

Q. How long have you been in office ?

A. Since April 7, 1884.

Q. Have you made any efforts to inform yourself about the laws and your duties ?

A. I have made fair efforts to look into them, I presume.

Q. According to what Mr. Shields told you, it appears that certain requirements were to be met before the money could be turned over by you ?

A. Yes, sir.

Q. Were those requirements met ?

A. Yes, sir. To my satisfaction they were met entirely in '85. I have official reports from statements submitted to me that they had complied with my requirements entirely, and I have collateral knowledge that those reports are correct.

Q. What were the requirements ?

A. Exactly what has been stated to you—the conditions of the ordinance ; the filing of the bond and the deposition of the policy of insurance, and the satisfactory character of the applicant and the payment of the money. The payment of the money to myself was not a consideration, but its payment to the City Treasurer was an absolute condition.

Q. Then all the pawnbrokers who received licenses in '85 had complied with the conditions of your department ?

A. That is my belief.

Q. Therefore their licenses were issued in December ?

A. They commenced, I think, in August and finished in December.

Q. Have you any knowledge of those requirements having been complied with in '86 ?

A. I have knowledge that twenty-seven of them have passed my desk. Beyond that I have no knowledge.

Q. When did that occur ?

A. Upon the 23d day of August, upon my request, the

Major officially advised me that they had complied with the requirements.

Q. You had not signed any licenses before that?

A. I never sign until the payment is made.

Q. You had knowledge, however, of the pawnbrokers who continued their business?

A. Yes, sir; but I did not have knowledge that they must be licensed in January. I presumed that the account was a running account, exactly as accounts of other fees and licenses of the city. That it must be complied with in the year.

A. You are acquainted with this provision of the ordinance (referring to the Digest of the City Ordinances):

“The Mayor of the City may, from time to time, give and grant a license under the seal of the Corporation, to such persons as shall apply for the same, to use, exercise, or carry on the business of a pawbroker, which said licenses shall continue in force until the first day of the month of January following (unless sooner revoked by the Mayor, which he is hereby authorized to do, on legal conviction of a violation of any of the provisions of this ordinance) and no longer.”

A. That is right. That is my construction of it. But I had no knowledge that it must be taken out at any time, only that it must be taken out early in the year, and the earlier the better for the city.

Q. Now, I understand that the policy, in case of loss, should be made payable to you. Was that desired to protect the depositors and for their best interests?

A. I never required that it should be made payable to me—but payable to the Mayor of Philadelphia. No name was used.

Q. What was your object?

A. Because in that case the policy could be held with a view to indemnifying the depositors for their losses. When such a policy was in existence those people would be protected in case of loss by fire in the pawnbrokers' place.

Q. You thought it was a good rule and you adopted it, and thought you were entitled to commendation for it?

A. No, sir; I was positive that it was the intention of the ordinance.

Q. And you thought that you were better protecting the pledgers of goods in that way?

A. Yes, sir.

Q. That it was for their best interests?

A. That it was for the good of the individual who was unfortunate enough to have to use a pawnbrokers' establishment.

Q. Why didn't you exhibit a like zeal for the City of Philadelphia?

A. In what manner?

Q. In having these pawnbrokers take out their licenses?

A. Well, I have already told you that I delegated that matter to the Secretary, and I supposed that he attended to his duties and was attentive to his service. If he was not, it was I as well as the city who suffered. I knew that so far as the city was concerned—I knew that the city received every penny for every license that was issued, and I knew that we had increased the number of licenses so that we had turned into the city \$1,600 more than during my predecessors' term. I do not think that the city is losing much, and would like to furnish for record, and as a matter of justice to myself, this statement or report of Major Linton's (producing and exhibiting a paper) asking the Committee to place it on record. I would like to have it read.

Mr. Iseminger:

I move that the clerk read the communication.

The question being upon the motion of Mr. Iseminger—it was agreed to.

The paper presented by the witness, Mayor Smith, is here read by the clerk of the Committee, Mr. Eckstein, as follows:

"I, John L. Linton, touching the issue of pawnbrokers and other licenses in the city of Philadelphia, do declare that prior to September, 1884, I was directed by his Honor the Mayor to investigate and report to him the manner, under previous administrations, as to how the licenses were collected and all other matters bearing upon the same.

"In pursuance of these instructions I made a careful examination of the requirements of the law as well as all the facts referring to the same, that had taken place under ex-Mayor King (the last of his term) and made report of the same to the Mayor.

"From this examination I found that eighty-three (83) pawnbrokers had been in the business during 1884, and that no returns had been made of 13 out of this number who were in the business to the City Treasurer for their licenses; that bonds for nineteen (19) of those that had paid their licenses were never executed, and of the seventy (70) who had paid only seven had filed policies of insurance with the then Mayor.

"On making this report to Hon. William B. Smith, Mayor, he gave me positive instructions in the future to make each pawnbroker comply fully with the requirements of the law.

"About January 1st, 1885, when pawnbrokers called upon me to pay for licenses, I made known to them that the Mayor insisted upon their compliance with the law; nearly all of them objected and delayed after being notified time and time again; this delay in many cases continued until the latter part of the year 1885.

"During the year 1886 the same notification was given and a large number delayed depositing their policies of fire insurance. Since August 22d last, most of the fire insurance policies have been deposited with me and have executed their bonds. There still remains a small number who have not complied with the law.

"The charge that I demanded five dollars in addition to the license fee is without foundation. I positively deny it. The pawnbrokers all know that if demanded they would be required



to bring their bonds properly filled up to be executed in my presence. This trouble has been saved them. I prepared their bonds and they had only to sign them; from this fact they probably felt under some obligation to me, but I never made any claim for such service upon any one of them.

“ With regard to the charge of alterations of checks, I have to say that invariably I refused to accept any and all checks drawn to the order of the City Treasurer, and when presented asked the person offering them to make them payable to the order of the Mayor or bearer, which they did; possibly in some cases I may have done it for them, if so, it was with their full knowledge and consent. The moneys received by me from pawnbrokers, when in banking hours, were regularly deposited in the Fidelity Trust Company to the credit of William B. Smith, Treasurer. When checks required endorsement they were often so endorsed without the Mayor seeing the face of them. When told what they were given for, in most cases I would make up the check for deposit. In the absence of the Mayor the checks were held by me for endorsement until his return.

#### *“ Coal Oil Licenses.*

“ There were 31 wholesale coal oil licenses and 30 retail dealers who paid up to March 20th, 1886.

“ The Mayor, prior to these collections, expressed to me his doubts of the clearness of the law with reference to them, and in my examination found that during Ex-Mayor King’s term a very small amount had been collected.

“ Ex-Fire Marshal Wood urged me, in December of last year, to impress the Mayor with the necessity and importance of their collection, and said he would do all in his power to obtain the Mayor’s consent and approval permitting him to notify all persons liable for the license. This he did, and sent out notices to the wholesale and retail dealers.

“ He said to me that as I would collect the licenses of \$10, it would oblige him if I would, at the same time, collect for him the survey fees; this I objected to do at first; he said

that he could not be present when they paid, and that if collected by me, using his own language, he would 'cut the survey fees in two.' I reluctantly agreed to collect his survey fees, and paid them over to him daily, the amount received by me.

"On the 24th day of May, 1886, I wrote, by direction of his Honor the Mayor, an official note, calling his attention to the City Solicitor's opinion with reference to retail oil dealers not being liable for the license and survey fee which had already been paid him. To this note no written reply has been made. I also sent him, on the same day, a personal note, stating that whatever of his fees for surveys he would have to return, that I would gladly return all he had paid me, to make him whole. Ex-Fire Marshal Wood wrote me a private note after this, asking me to meet him outside of the office. I did this, but regret it; and told him that about 30 retail dealers would have to be paid back not only the \$10 for license, but also the survey fees he had received; that I believed he had made no survey on retail dealers; if so, no report in writing by him had been made to me. Wood's reply was that only six or seven retailers had paid. I became indignant, and said if he could so deliberately misrepresent the matter that I would hold no further conversation with him, and asked him to reply in writing to my official letter, and left him.

"After the decision of the City Solicitor, with reference to retail dealers, the difficulty to know who was entitled to a return of the money paid arose in this wise: As to what quantity of oil a retailer could be permitted to keep on hand and be free from license; this only has caused the delay in the return of the money to them directly. The City Solicitor's opinion does not define the quantity they could hold and be free; we could use no discretion in the matter, and hoped that some test case in Court would have settled it; but now, so far as this Department is concerned, the money being paid into the City Treasury, we are relieved from its further consideration.

"All money received by me for licenses, except that for pawnbrokers, was kept in the fire proof in my office, never used in any way nor for any purpose, neither by the Mayor nor myself, and was promptly paid over when called for. The omission that occurred was caused principally by a separate account kept. When a change in Fire Marshal occurred, Wood being displaced and Emery appointed in his place there was no intention to defraud nor was there any desire to conceal from any one the true and correct list of those who had paid.

"I desire to repeat that of the thirty-one wholesale dealers, Ex-Marshall Wood received from me his survey fee in each case, and that we have on file only twenty-six surveys made by him. I also paid Wood for thirty retail surveys, that he has received the money for sixty-one surveys, and has only filed in this office his report of twenty-six as having been made.

"I desire to add that after receiving instructions from the Mayor that I was to compel the pawnbrokers to comply fully with all the provisions of the law as to licenses. The whole management and conduct of this department of the business of the office was left in my hands, that if there was any undue delay I alone am responsible for it, as in every case the Mayor paid over the money immediately on my report that the pawnbroker had entitled himself to receive the license.

"JOHN L. LINTON."

By Mr. Bardsley :

Q. Councils, at its meeting on last Thursday, passed a preamble and resolution, under which this Committee was appointed. The preamble reads as follows :

" *Whereas*, Honorable William B. Smith, Mayor of Philadelphia, has been openly and publicly accused of high crimes and misdemeanors in office, by the embezzlement and misuse of public moneys which have come into his hands, and with unlawfully changing and so

altering checks drawn to the order of the City Treasurer, in payment of fees due the City of Philadelphia, as to be enabled to deposit such checks in a private banking institution to his account, and unlawfully retain, embezzle, and misuse the moneys realized therefrom, and of other acts and deeds inconsistent with the high office of Mayor and the proper management of the department under him, the same being in violation of the laws and ordinances governing and regulating the affairs of the City of Philadelphia.”

Then follows the resolution, a portion of which reads as follows:

“And the said Committee are hereby instructed and directed to make report to Common Council, at a special meeting to be held Thursday next (September 9th) at 3 o’clock P. M., as to the truth or falsity of such accusations. And if the truth of such accusations be established by the facts and proofs exhibited before said Committee, that their report be accompanied by articles of impeachment against William B. Smith, Mayor of Philadelphia.”

Speaking for myself, and I think I can speak for the entire Committee, I will say that this is a very important subject we are investigating, and speaking entirely for myself, as one member of the Committee, I feel that the most thorough investigation of this subject should be made, to the end that if the charges are untrue you should have the full and entire benefit thereof, and if they are true, that the facts should be established. Therefore I may perhaps ask you some questions that you may think impertinent, and which I know will be disagreeable, but they will be put simply for the purpose of getting to the bottom facts, that they may be the better ascertained. Your statement this afternoon to the Committee opens up a line—if you will allow me to call it such—of defense that has hitherto been kept entirely secret—entirely

secret from the public, and particularly from this Committee. I feel that in connection with the statement in reference to the money in the safe, that nothing should be left unasked or unanswered that will fairly satisfy the Committee on that particular point. When you informed the Committee in your communication on the first day the Committee met, I presumed that you informed us wholly and entirely of all you had to say upon the subject, and to me it looks singular that you should have omitted so important a statement as you have made this afternoon.

A. I don't admit that. And I will ask you to read a paragraph in my communication, which I will point out to you, and ask you to read it loud enough for the Committee to hear it.

Q. What shall I read?

A. I will find it for you very quickly.

(The witness, Mayor Smith, here takes the printed book of evidence and referring to his communication, sent to the Committee on the first day of its sessions, read as follows):

“In no respect and to no extent, I respectfully contend, can I be charged with the embezzlement or misuse of the moneys of any person or persons when, at the demand of such person, as at the direction of the City Solicitor, I was prepared at any moment either to pay back to the person or over to the city any and all amounts in my hands.”

“Upon the question as to whether such moneys could, in any sense, be considered ‘public moneys in my hands’ until all the preliminaries were perfected, I took the opinion of my counsel, Mr. Shields, and was advised by him that they were not the moneys of the City of Philadelphia until the license should be granted; that the secretary could only receive them as the agent of the applicant, and that it would be his duty to repay them to the applicant in the event of any subsequent



refusal, for any valid reason, to grant the license. He further advised me that, in granting the license, it was my duty to immediately pay the money, in each case, to the City Treasurer. Acting upon such advice, that they were not public moneys until the license was granted, I deposited such money in my own name, in an account which I have had with the Fidelity Insurance, Trust and Safe Deposit Company for many years. This account was originally opened on December 8, 1880, and several years before my election as Mayor, in my name, as 'Treasurer.' The reason for this was, that as I was entrusted with a great variety of funds from a number of societies in which I held official position, as well as from other sources apart from my business, though in some instances personal, and in amounts so small as not to justify separate accounts for each deposit, I thought it advisable and proper to open an account that could be readily distinguished from that connected with my business, and so did under the name of 'William B. Smith, Treasurer.' In one instance where the amount justified it, I did have a separate account as 'Trustee,' and it was partially for that reason that I selected the new term 'Treasurer' for this general account. The sum of \$48,095.71 has been deposited by me to that account during this year, of which but about \$8,000 consisted of the license and fees in question. Not believing the money to be public money, and knowing full well my financial ability to repay the same, I may have been careless in some instances in keeping my balances up; but I acted in good faith, and with no intention of wronging the city, as is evidenced by my immediate payment of the whole amount into the City Treasury when so advised by the City Solicitor, upon the same day I received such advice."



By Mr. Bardsley :

Q. You did not consider it necessary in that communication to say you had the money in cash in the safe in your office ?

A. That would not have made it any stronger.

Q. That was a matter of your own discretion.

A. I can substantiate my word in that respect. I have witnesses to prove it.

Q. In 1885 the bulk of the money belonging to the city you paid into the Treasury in December ?

A. Yes, sir.

Q. One of the largest payments of the year was on the last day of the year, after being requested to do so by the officials of the city, although the testimony we have here, which I presume you had read.

A. I have not. I have not had the time to read it.

Q. Well, then, the testimony we have here of the pawn-brokers is that the major part of the money was paid in January, and that the greater number of them performed all their duties in January and February of that same year ?

A. They did not.

Q. I am only giving you their testimony ?

A. I understand that.

Q. And they are unanimous, I think, with one exception, and made their statements under oath. In 1886—I presume you have read the testimony of the City Controller in the public newspapers—in 1886, he stated that in May and June he asked you to make your returns to his office ?

A. He had not. Does he state that he asked me in May and June ? In the month of May he communicated with my office by telephone, but I received no such communication in June.

Q. Well, then, say in May. In May of this year he asked you, and you said that you were giving it your attention ?

A. I will simply say that I called at the Controller's office in the month of May concerning the payment of certain war-

rants, and concerning the purchase of horses, as I did not want to have any difficulty under the contract, but to have everything amicably and satisfactorily settled. At that interview, at which I was accompanied by General Stewart, I am positive that not one word was said to me upon the matter. I am so willing to testify.

Q. Have you not seen the Controller's account of the interview?

A. I have.

Q. And up to this moment you have not contradicted it?

A. I did not contradict it for this reason, that the Controller himself said that he knew of no means by which he could make that demand upon me, but when he asked for a detailed statement it came at once. I had no knowledge that I could have communicated to the Controller off-hand, and if he had spoken to me I would have simply spoken to Major Linton and asked him to hurry up.

Q. The interview took place, as the Controller and you both state, in his office, relative to other matters?

A. Yes, sir.

Q. And at that interview Gen. Stewart was present. The City Controller says that he asked you to be more diligent in preparing your statements and in paying your moneys into the City Treasury prior to the first day of August of this year. You say that no such words passed between you at that interview?

A. I am positive that no such interview took place, but I am positive that he did communicate with Mr. March, or asked him upon the subject.

Q. He made that bald statement I have just given to you. He said that later on, perhaps in June, but positively in July, he communicated with your office by telephone two or three times, urging that you should pay into the City Treasury your collections up to that period, in order that they might appear in his statement of September 1st, made to Councils annually.

He does not say that he communicated with you by letter, but just in the way I have stated?

A. Yes, sir. I am perfectly satisfied that he communicated by phone.

Q. But not personally to you in his office?

A. Not personally to me. It was communicated to Mr. March.

Q. That was after May?

A. I don't know.

Q. He said that he communicated with two or three of your attachés. Now your testimony is entirely opposed on that point to the testimony of the City Controller?

A. Yes, sir.

Q. Now, after July 31st when *The Press* took up this subject we are now investigating——

A. The 14th of August.

Q. I say after the 31st of July the City Controller made a written demand upon you, as he thought he had a right under the law to make, for a full statement of your receipts, and in due time that came. We have it of record. In that statement it appears that during this present year you had collected upon pawnbrokers licenses nearly \$8,000—therabouts?

A. Less than that. Many, I think, have paid since this controversy.

Q. None of which had been paid into the City Treasury as required by law as daily payments. With that law you are conversant?

A. Pretty fairly now.

Q. You were always conversant with it?

A. I was not. I found no record in the office of a single payment—except in lump—into the City Treasury.

Q. But you will not gainsay the fact that the law was there when you took your seat?

A. No, sir. It was in existence, but not enforced.

Q. Whose fault was that, in your department ?

A. I have nothing to say about it.

Q. Was it not your fault ?

A. I am certainly responsible.

Q. You are responsible for yourself and those you appointed to office ?

A. Most assuredly.

Q. So that the first real charge is practically admitted, although of course, which is very proper for you to say, you say that you were not aware of the existence of the law at the time. And that is your excuse for not carrying it out ?

A. And that I am not of the belief that they are public moneys. That is my honest position.

Q. Sometime in the spring Mr. Shields has testified you asked him a question as to whether these were public moneys, and he said not until the pawnbrokers had perfected their licenses by submitting their bonds and policies of insurance. The testimony before the Committee is unanimous, with one exception, that in January three-fourths of the pawnbrokers of this City had paid in their money. Fifty-four of them had paid in their money in January, and out of those fifty-four, as it was submitted to the Committee by their evidence, there were one or two whose policies or bonds had been objected to. Yet none of those pawnbrokers procured their licenses in January ?

A. No, sir. I can only say this, so far as I am concerned, that upon the 22d or the 24th, or whatever day it was, the return was made to the City Treasury.

Q. Of August ?

A. Yes, sir—that that covered each and every pawnbroker whose name was brought to me as having complied with the requirements of the law.

Q. On the 20th of August you paid \$400 into the City Treasury ?

A. Yes, sir. The payment was the completion of all that I could pass on my desk.

Q. How long had those people fully complied with the law ?

A. I have no knowledge of that, except that the licenses were brought to my desk, when they were reported to me as having complied with the law. I have no knowledge whether they were paid in January, March, or July. No knowledge whatever. I kept no record of the payments.

Q. Your secretary has said that he has no record by which he can tell ?

A. Well, he has. He did not testify as intelligently as he could concerning the habits of the office. He has a book in which he enters the names of the pawnbrokers, with their addresses and the ward and the date of the payments.

Q. He said he had no such book ?

A. He did not understand you ; else he was too nervous to answer. He has also a memorandum list. I directed it should be made out each year, showing the people to be notified. I secured the reports from the lieutenants of police, and transmitted the information to the secretary, giving him the foundation for his business. And he has a license-book and a bond-book, which shows the issuance of the licenses and a file of insurance policies, which will show by their absence where certain policies have not been filed ; but I will say that he cannot do the work as he said in the time that is asked. There are references to be made, and they will take longer than the mere clerical labor which will have to be done as he stated.

Q. But you were present when I asked your Secretary those questions about his books ?

A. Yes, sir ; and I heard what he said, but I did not like to interfere.

Q. He is an intelligent man ?

A. Yes, sir ; but he is also a man of nerve, or a man without nerve, and he has been very much agitated and annoyed for some time, and it has been difficult for him to keep the office in such form as I would like him to keep it.

Q. Don't you remember that I asked you how he knew whom to notify?

A. I remember it well, and would have liked to interfere, but I had no privilege to do so.

Q. Now, Mr. Dechert testified, and I will read you his testimony, as follows:

"It is customary for you to inquire from the departments as to their probable receipts and expenditures for the current year. You made such an inquiry from the Mayor's Department in 1886, and you received his answer?

A. I made that inquiry in July of 1885. It, of course, must be made in order to get into the statement made by City Councils on the first of September, under the provisions of the Act of 1879.

Q. What was his answer as to the anticipated receipts for 1886?

A. He answered that the probable receipts would be \$8,000.

Q. Now, we commenced in 1886. When was your attention called, or when did you call the attention of the Mayor to the necessity of paying the moneys that he might have?

A. The first time was in either May or June.

Q. Of this year?

A. Yes, sir; that was in the interview in my office. There were a number of bills that were laid aside because of some supposed irregularity, and the Mayor came up with his clerk, who attended to that duty, to give his personal explanation. We disposed of them all afterwards, and I reminded the Mayor, or told him, that I had something further to say that we were interested in. I reminded him that his payments in 1885 were made quite late—some on the last day of the year, near the close of business, and that it was inconvenient



for us in making up our statements and in keeping our accounts, and I asked him to pay in whatever moneys he had, as early in the year as he could.

Q. As early as possible in the year?

A. Yes, sir; I explained that our books were closed on the 31st of July, and that if his return for that period was not made he would get no credit in the annual statement for fees actually paid—that the difference between what was paid and the \$8,000 that he estimated, would be paid, except the probable receipts for the remaining five months.

Q. You mean to refer to your annual statement, as before, on the 1st of September to Councils?

A. Yes, sir; he thanked me for calling his attention to it and said it would be attended to."

A. My understanding was that this had been stated at the time I called with the Chief of Police. Mr. Dechert says it was not. I was positive that when I called with the Chief no such statement was made. About the time the chief clerk called, I have no recollection as to the statements made. The mistake may have come from my having substituted the Chief of Police, Gen'l Stewart, for the clerk, Mr. March.

Q. Well, I will read further to you from his testimony:

"Q. That was in May?

"A. Either in May or June.

"Q. Well, what was the next thing?

"A. I was absent from the city for one week, ending on July 19th, at the military encampment of the State. On my return home, or on getting to my office on Monday, the 19th, the energies of all the clerks in the office were at once directed to the preparation of the annual statement, which involves a great many calculations, and of course it was very desirable to have it as accurate as possible. In getting from the Treasurer a definite statement of the amounts that the sev-

eral departments had actually paid in during the year, it appeared the Mayor had not paid in any of the moneys that he had received, as I requested he should do, except \$2.50. There were two full weeks in which to do this. Immediately his attention was called to the matter by telephone. The chief clerk, I think, on each occasion, sent the message by telephone, and on at least three of those occasions, I was by his side, and the message was communicated to me."

A. The \$2.50 for the cow were not paid to me; I have had the credit of paying it, but I don't wish to rob other people of that credit.

Q. Now, then, Mr. Bosbyshell testified as follows:—

"Q. The City Controller a few moments ago stated he thought it was you who called the Mayor's attention in 1885 to the necessity of paying in the moneys which he had to pay. Have you any recollection of calling his attention to that?

A. Yes, sir.

Q. When was it, about?

A. It was preparatory to making up the statement of September 1, 1885. It was done sometime in July 1, 1885.

Q. In the latter part of the year?

A. No; in July, 1885.

Q. You are speaking now of last year?

A. Yes, sir; 1885.

Q. What did you say to the Mayor, or to whom you were speaking?

A. Well, we have in our office a return clerk, and it is his business to keep an account of all the returns made from the various departments. He would occasionally report to me that some department was a little delinquent, or that that department has not paid up, and they ought to pay up faster. Then, verbally, we

would call the attention of the clerks of that department to the fact that the returns were due. The same thing was done in regard to the Mayor's department. Mr. March's attention was called to it, and he promised that the returns would be made. We told him the importance of having in as much money as possible on the 31st of July, so as to make the return to Councils as favorable as it could be made.

Q. This was in July of 1885?

A. Yes, sir; and I think it was done prior to that.

Q. Later in the year did you call attention to the necessity of paying the money in?

A. I do not recollect whether it was done in 1885 or not.

Q. Now, do you recollect any other matter in connection with this subject where you communicated with the Mayor's Department urging compliance with the law?

A. Yes, sir; I do. I think it was the third week in July that the Mayor's Messenger was up at the office; I told him then. It was Captain Leabourn; he was there receiving some rolls or bills, or doing some business. I asked him if he would not please give the Controller's compliments to the Mayor, and say that he had probably forgotten to make his return as he had promised, and tell him the importance of having it in before the 31st of July, so that the statement would show more than \$2.50 paid by the Mayor's Department. Captain Leabourn afterwards reported to me before the 31st of July, that he had told it to the Mayor, and that the Mayor had said that he would attend to it.

Q. "Now, was there any other communication on the subject?

A. "We had some communications with him by telephone, or with his office, when it was reported back that

the Mayor would attend to it. That was the substance of the communications received. On the 31st of July, I think, about, next, maybe about one o'clock, I telephoned down, after consulting the Controller, because we always kept him posted about such things, telephoned to the Mayor's office telling him the returns had not been made, and that our books would close that day, and that his Department would show but the payment of \$2.50 in the City Treasury, and that we did not think it would look very well. We asked him if he could not fix it up. The reply was that the Mayor was just getting ready to go to Atlantic City, and had bundled up the papers, and would take them along, and make his return immediately upon his return. My recollection is that he said he would make a payment immediately on his return as of the 31st of July, so as to get in the statement."

Mr. Bardsley: I simply read that testimony to you in order to show you what was said.

By Mr. Bardsley:

Q. Now, some of these pawnbrokers who have paid their money in have not received their licenses?

A. No, sir. The moment they are brought to me I shall direct that they be prepared. They have not been presented before me yet. Major Linton said this morning that they would be ready in forty-eight hours, but I will say to you that I don't know whether it will be done in that time. I will direct that they be prepared and brought before me without delay. But I wish to say to you that there are some that I don't think I can issue.

Q. Why?

A. For the reason that the matter is left under my control, and because the character of the applicants is not sufficiently good.

Q. Then there are some of the licenses you don't think you will issue?

A. I fear so.

Q. Because of the character of the applicants?

A. Yes, sir.

Q. Have you notified them?

A. I have not; I cannot do that until they make their applications to me for a license.

Q. But they have not made their application—filed their bonds?

A. No, sir; I believe not. I believe some of them have not fully complied in that respect, and some of them have been convicted in court of receiving stolen goods.

Q. What does your secretary do about such cases?

A. He has no knowledge of them. I don't delegate to him the moral character of the applicants.

Q. He said that he could not tell how many had filed their bonds?

A. He can tell. It may take a little research, but it is all there. Of course the entries are not all in one blotter, but they are perfect in themselves and you or I, Mr. Bardsley, could do that work in ten minutes.

Q. You heard the testimony of the officers of the Fidelity Bank?

A. No, sir, I do not care to hear it. It is a statement unusual to make about a public man.

Q. The statement was from their books?

A. Yes, sir. I know it is in print, but I have not read it.

Q. You stated a few moments ago that you couldn't tell until you got your books back how your account stood there?

A. Not in its entirety.

Q. Why have you not had the account balanced?

A. Well, because they have not had the time to do it. I sent for the book and they said that they could not give it to me for several days yet.

Q. My experience with banks has been that they will balance your account any day.

A. Well, my experience has not been that. I have asked them for the book, but it is in their hands yet. They would not balance it if it was overdrawn—would they?

Q. I presume not. But as you are not well acquainted with your own balance, perhaps you will allow me to inform you that you have several hundred dollars there to your credit.

A. I think so.

Q. Do you keep a check book?

A. I keep a check book until it is used up, and then no longer.

Q. Do you margin your checks?

A. I do.

Q. Don't you strike your own balances?

A. Sometimes I do and sometimes I do not. I strike them, but not at regular dates.

Q. Don't you strike a balance on every check that you take out?

A. I do not.

Q. Couldn't you tell from the stubs in your check-book how much you had the right to check out?

A. Of course, by summing it up I could.

Q. When you drew the checks that were protested didn't you know you had no money there?

A. No, sir; so far as my judgment and knowledge were concerned I believed I had a large balance to my account.

Q. Would not your check-book have told the story by looking at it?

A. Well, I am like some other people, perhaps, and may have a blank check in my pocket and draw a check without putting it down in the check-book at once.

Q. But you have referred to a check of \$3,500.

A. Yes, sir.



Q. Do you think that you would have taken a check out of your pocket-book for that sum?

A. No, sir. But I had just changed my book. I had finished the old book and had a new one, and in doing so I had not transferred that amount.

Q. So, when you drew the check for \$3,500, and afterwards drew those other checks, you did not know that you did not have the money there, but supposed you had?

A. I was pretty certain I had.

Q. How could you be certain without ascertaining the fact?

A. Well, I think I have a pretty good head for figures generally, and I know within two or three hundred dollars where I stand financially, as a rule.

Q. When you have a check book, do you rely upon your head or upon the check book?

A. Both.

Q. Do they always correspond?

A. Pretty nearly.

Q. But they did not agree on this occasion?

A. No, unfortunately.

Q. And by reason of that you drew a check for money which you had not on deposit?

A. Yes, sir. That check was a personal check, and wherein it enters into this discussion, after the admission has been made that the city's account was not intact, I fail to recognize. The protests of those two individual checks—I do not see how they enter into this question. . I fail to recognize wherein the Committee can go into those accounts—outside of any account of city moneys.

Q. If you say that you decline to be further examined on the subject, we will drop it?

A. No, sir. But I fail to recognize wherein the city has any interest in the payment of the two individual checks.

Q. We have not a particle of interest. But I want to show the condition of that account.

A. Very well. But after the admission?

Q. I was trying too see how it was you came to have no money there?

A. Very well.

Q. In pursuance of that thought I was asking you about your check book to see how you kept your accounts—whether they were accurately kept or not. You admit that you did not keep your check book accurately, so that on the face of it you could not know how much money you had to your credit. So you checked against funds which were not there?

A. Yes, sir.

Q. Now, in reference to your statement that you had enough money in your safe in the office to cover all your obligations to the city—I believe that was your statement?

A. Yes, sir.

Q. Well, on any day that you please to name, how much had you?

A. I had at all times, at any and all times, and I had upon the date when I was called upon for the money, in the neighborhood of \$8,500.

Q. What date was that?

A. I cannot give it to you exactly. I think it was about the 26th inst.

Q. Who called for the money?

A. No person called for it, but the City Solicitor advised me to pay it to the City Treasurer.

Q. What date was that

A. I think it was the 26th. I think the return was made by me on the 27th. The opinion was received by me the following morning.

Q. Now, on that date you say you had in your safe \$8,000?

A. Over \$8,000.

Q. \$8,500 ?

A. I suppose that.

Q. You have the power to stop me in this examination, and of course I will be subject to your call.

A. Certainly.

Q. Now, I have explained to you the necessity and importance of making these facts clear beyond a question.

A. Very well.

Q. How much had you in the safe on the 26th of August ?

A. Every cent, the same as on the 28th.

Q. How much had you on the 25th of August ?

A. I cannot answer you that. I can say this, that with the exception of about \$100, which I placed in the safe on my return, that the bulk of it had been there for months. I brought back with me from my trip far more money than I required.

Q. So, on the 25th of August you had about \$8,500.

A. From the date of my return to the 16th or 17th of August I had in the safe not less than \$8,000, not much more, except in fractions, than \$8,500. I brought about \$500 back in my pocket.

Q. So you had in your safe \$8,500 from August 16th to August 28th ?

A. Yes, sir.

Q. How much had you on August 15 ?

A. I had in the safe what I have told you. Then I placed in the safe about \$500 in addition to the amount that was there before.

Q. Then, on August 15th, you had there about \$8,500 ?

A. That was the date I had \$8,500, and from that time on.

Q. What had you on August 14th ?

A. I do not know. I had about \$8,500 there, and then the \$500 I put in on my return.

Q. Now, how far back, counting from August 14th, did you have \$8,000 in that safe?

A. I think since early in the year.

Q. Give us any date you please?

A. I think since the month of January, '86, either that amount or varying amounts from \$5,000 to that amount, and sometimes much more than \$8,500.

Q. You had that in the safe in your office?

A. Yes, sir.

Q. What did it consist of?

A. Altogether in bank bills.

Q. In large notes?

A. In large notes. I always kept it in large notes.

Q. But you drew then out of bank?

A. Sometimes out of bank, and sometimes not out of bank.

Q. Out of what bank did you draw it?

A. Sometimes out of the Fidelity Bank.

Q. On what date was it that you drew out of the Fidelity Bank?

A. I cannot say.

Q. About when?

A. Well, you saw the checks and they are marked W. B. Smith or Linton. There were large amounts and I never drew from bank, but from other sources, sometimes from my business and sometimes not from my business.

Q. What was your object in having in your office as much as \$8,000?

A. I thought it was a handy thing for the Mayor to have—if it was necessary.

Q. That was your object?

A. Yes, sir.

Q. What to be used for?

A. In order to meet, among others, any public demands, and others that were not.

Q. Will you state some of them ?

A. Yes, sir. There was payment of money for things which I felt the Mayor should specially support. If there was any public matter, or if I desired to entertain, I took it from there. If there were any political contributions I desired to make, I would take them from there. If there were any objects which I thought it was only due that the City of Philadelphia should further, I took from there. I used it as a reserve fund for public purposes.

Q. Of course, you kept an account of that money ?

A. No, sir. I kept a memorandum only in my pocket. I never kept a record of the expenditures.

Q. Or of where you got the money ?

A. No, sir. Nor of when I paid it out.

Q. To whom you paid it ?

A. No, sir.

Q. You kept no book or account ?

A. Not of that.

Q. Where did this money come from ?

A. From various sources.

Q. Can you explain to the Committee where it came from ?

A. Considerable of it came from my own salary. I cashed my warrants and placed them there. Then I got returns from my business house ; and if that were more than I needed, I placed them there.

Q. Do you mean from the furniture place ?

A. I mean from Smith & Russell.

Q. You got some of the money from there ?

A. Yes, sir.

Q. But Mr. Russell has stated that on one occasion you borrowed money from him ?

A. Yes, sir ; but very little, and only for a temporary purpose—\$500.

Q. And in that way you took money from the business ?

A. No, sir ; but as a business partner. Of course, I have the right to take my profit on my investment. I claimed the right, if I wanted \$500, to take it out.

Q. But we have been dealing in large sums ?

A. Yes, sir. But you must remember that this was not the work of a day, or the work of a month, but the savings of a long period—ever since I have been in the office.

Q. On the 1st of January how much was in the safe ?

A. Possibly three or four thousand dollars.

Q. And it never got less ?

A. Not much less, and sometimes it got much more. I have already explained that, but if you want to ask me about political matters, Mr. Bardsley, ask me. I will tell you. I think that is what you are leading up to. I will tell you. The amount ran on in that way. It was my own money placed in my own hands for expenditure.

Q. But it looks so singular that a man having \$8,500 in his safe should allow his checks to go to protest and remain unpaid eight or ten days—when he had \$8,000 right in his safe in his office.

A. It does not look singular if you will state it plainly.

Q. Only to me, of course.

A. I told you that the protests were both whilst I was out of the city, and that they wouldn't have gone to protest had I known the account was overdrawn.

Q. But then after you came home what did you do ?

A. I was told that they had been offered and the deposits had been made by Major Linton to my credit, which had made everything correct.

Q. Was that the fact ?

A. I believe it was.

Q. When did he make the deposit ?

A. Mr. Clay has stated that the deposits were made during my absence.



Q. Was that deposit made out of moneys from the safe?

A. No, sir; I left him quite a large sum of money out of my pocket when I left the city.

Q. It didn't come out of the safe?

A. No, sir; it was other money. I have allowed the Major to pay all my accounts—bills that would come in, individual bills. He would pay those. That is the way it was. He has done it for years. It has been done because I had the utmost confidence in him.

Q. You say that you left him a large sum of money?

A. Yes; several hundreds of dollars.

Q. Did it or not come out of the safe money?

A. No, sir.

Q. You keep no record of what you have in the safe?

A. No, sir.

Q. What have you there this minute?

A. I have considerable there; but I don't know that it is germane to the question. But if you want \$5,000 for an accommodation, I will let you have it. I have it there.

Q. You have it there now.

A. Yes, sir.

Q. And you had it there when you drew all these checks?

A. No, sir; I did not. I had it in my pocket, the greatest portion of it, for some time.

Q. But you had possession of this money all these weeks?

A. Yes, sir; all through this talk. But for being driven into the position that I have been placed in, there would have been no difficulty. If there had been an official inquiry in the beginning, there would have been no difficulty; but after being hounded and harassed, my combative qualities I suppose became aroused, and I was too plucky to surrender without a fight.

Q. But you have surrendered?

A. I have not surrendered—in that sense. It was at that time "your money or your life."

Q. But you have paid the money ?

A. Yes, I have paid the money ; but not to the man who demanded it. It is not now "Your money or your life." It is not a surrender in that sense. It is a submission to this Committee.

Q. Then it was your money or your life at first ?

A. Yes, sir ; and no highwayman can say to me, "Your money or your life."

Q. When could the city have got this money ?

A. Any time that she asked for it.

Q. What necessity was there that you should be asked for this money ? You knew the law.

A. I have already explained to you a moment ago, that I couldn't do it in a certain way, but the moment that I was officially asked to turn it over I did so. I did not want to be driven into occupying that position that I should not occupy ; but the moment there was an official demand made upon me I responded.

Q. Why was it necessary to ask you at all ?

A. Because I have said, in my honest convictions, which is supported by my counsel, that this money was not mine in any official capacity, and that I was in no wise responsible to the city for it but to the individuals. That was my advice.

Q. Now, briefly, the charges are that you received money from citizens paid on behalf of the City, and put it into your own money, and you have answered that by saying it is not true ?

A. No, sir,

Q. Or that they were not public money ?

A. I have said this, that I did not believe they were public moneys, and that I did not use them as public moneys, and that I held myself responsible at any moment to return them.

Q. Well, the next specific charge is that you defied the law which requires daily payments to be made into the City Treasury ? Your answer to that is, that you did not know

such was the law, but that when you were officially advised of the fact you immediately paid over the money?

A. That is correct in the abstract.

Q. Now, the next serious charge in this connection is that you altered checks, in order that you might convert the amount of those checks to your own use. To that you answer that you did not?

A. Yes, sir.

Q. And that if there was any alteration of checks it was done by your secretary, not by you, either with your knowledge or consent?

A. That is correct.

By Mr. Clay :

Q. I understood you to say to Mr. Bardsley that on the 1st of July you had about \$8,000 in your safe?

A. A little over that.

Q. You had that sum continuously in your safe until the time the demand was made upon you, when you turned the money into the City Treasury?

A. Yes, sir.

Q. And that when you went away you left that money in the custody of Major Linton?

A. No, sir; he never had access to that safe in his life. I left six or seven hundred dollars in cash with him—individual money—cash from my pocket to meet bills that might be presented in my absence.

Q. Did you furnish him any other money during your absence?

A. I did not.

Q. And he made all your deposits?

A. No, sir; he made the most of my deposits and had full charge of all deposits where any city money was concerned.

Q. Did he make deposits for you during July, or which one of your officials did that?

A. As a general rule I entrusted that matter to the Major, unless my brother was near, otherwise I generally called in the Major because he had less to do in my estimation and was more trustworthy. He was always my private factotum in the office and collected my bills and paid my bills. He has always had absolute command of my individual money.

Q. You say you had the sum of \$8,000 in that safe with which you could have made good this money at that time, or at any time when you felt it was obligatory to you to pay it over?

A. Yes, sir.

Q. During your absence from the city, were there any other sources from which you could have gotten money except from the safe?

A. For what purpose?

Q. To deposit or have Major Linton deposit.

A. I have no knowledge of any other sources. I have never allowed anybody to make a deposit without informing me of the fact.

Q. You left the city on the fifth and returned on the sixteenth?

A. Well?

Q. During that time there was in that safe \$8,000 by which he could have made good any demands of the city?

A. No, sir. I would not have allowed him to do that, or anybody. That would have been a personal matter.

Q. In that time you made no deposits yourself?

A. No, sir.

Q. Did he make any for you?

A. I cannot say that positively.

Q. Do you think there was any other person who did?

A. Not to my knowledge.

Q. Do you think of any other person ?

A. No ; I have never been annoyed by anybody wanting to make deposits for me.

Q. Now, on the sixth of July you were away ?

A. No, sir ; I was in the city. I left on the morning of the seventh.

Q. And you returned on the fifteenth ?

A. On the fifteenth or the sixteenth.

Q. State who it was who was kind enough to deposit for you on the seventh, the sum of \$1,907.62 ? Where did it come from ?

A. It is very likely Major Linton can tell. He had my bank book.

Q. How could he deposit it with the \$600 which you left ?

A. I say that I have no knowlege of what he did deposit, or could deposit. He may have deposited at that time moneys that I have no knowledge of. If there were checks he could not have deposited them because there could have been no endorsement.

Q. You say you had \$8,000 in your safe. Where had you any other money ?

A. I had no other money ready that could reach me.

Q. Yet \$1,907 were deposited to your credit.

A. Very well.

Q. And \$120 on the 12th of the month ?

A. That Major Linton deposited because they had notified me that my account was short.

Q. He did not take that out of the safe ?

A. He never was in the safe in his life. He does not have the combination of it. His safe is entirely distinct from mine.

Q. Do you mean to say that you placed in the hands of Major Linton a blank check book, with full privilege to draw upon your account ?

A. He never drew a check in his life.

Q. Where did the money come from ?

A. I permitted him to deposit, but although I was not afraid, he never drew a check in his life.

Q. You were absent from the 6th of July until the 16th of July, and you say that you had \$8,000 securely in your safe, and that \$600 were left with Major Linton. Now, there was a deposit in addition to the sums I have already mentioned to you of \$2,635.50 on the 14th of July ; where did that come from ?

A. I don't know, sir.

Q. There is a deposit of nearly \$5,000 during the time you were gone and you don't know where it came from ?

A. I would know by looking, but I don't know now ; I have not looked at the account ; my book is yet in bank.

By Mr. Bardsley :

Q. But you have the stubbs in your check book ?

A. They will not show the deposits.

Q. Don't you write down the deposits on the stubbs ?

A. I do not. I write down what I draw in one book, and what I put in in another.

Q. Then, you don't write on the stub of the check book whatever you put in ?

A. No, sir ; that is where the error came. If I had done that there would have been no error. I can show you the check book, but it can give you no information upon that point.

Q. Then, you have nothing to show where the \$2,600 came from ?

A. No, sir.

Q. Will Major Linton know ?

A. I presume so.

Mr. Bardsley : Well, I think he had better be advised to go and find out.



Mayor Smith (the witness): I will tell him to do so.

(Mayor Smith here hands to Major Linton, who is present in the room, a memorandum and gives him some verbal orders.)

By Mr. Clay.

Q. You heard the testimony of Major Linton this morning?

A. Yes, sir.

Q. You heard him tell about all the money that he received from pawnbrokers' licenses, and that he would take it to you in cash, or in checks, and if it was in checks that you would endorse them, and that then the money would be deposited to the credit of William B. Smith, Treasurer, in the Fidelity Trust Company?

A. Yes, sir.

Q. According to the testimony submitted to us by the Controller it appears that, in the month of January, \$5,400 were received from that source, all of which the Major testified he turned into bank.

A. I believe de did. Every cent he banked I believe was every cent that he received.

Q. How much money in cash did you tell Mr. Bardsley you had on hand at that time—about the 1st of January, last—\$8,000?

A. I think I said about \$5,000. That was my recollection. That is about the lowest sum I had.

Q. I understood you to say that you had at all times sufficient money in your safe to make good any amount due the city?

A. No, sir; I did not say that. I don't desire to be misplaced or misconstrued. I said, and I say, that neither then nor at any time was I unable from my individual resources to account for every cent of public money that could be demanded from me. I am not going to say that it was always in the safe, or in my pocket. But I say that it was absolutely at my command whenever I could be called upon, to account for every

cent I received. It makes no difference whether it was in bank or in the safe—if I was bound to pay it. I cannot say more than that. I think you will find several thousands to my credit in January, 1886.

Q. I find that your credits vary. There was never so much in the bank except on one or two occasions as Major Linton testified he deposited. I have gone down the balance and taking the month I find that the highest balance to your credit at any one time was \$1,864.43. In the month of February it never exceeded \$1,900. In the month of March the highest credit was \$7,301.10, at which it remained several days when it was reduced to \$286. In May the highest balance was \$792, at any one time. In June the highest balance was \$3,000. On the sixth of July it is \$8,000. Now if the testimony of Major Linton is correct, in January you had \$5,400, which you claim to have held as the agent for the pawnbrokers, all of which, Major Linton says was deposited in the Fidelity. In February there were \$500 additional; in March \$300 more; in April \$300 more; in May \$200 more; in June \$300 more; in July \$100 more, and on the 17th of August \$100 more. Now, if we are to accept the testimony of Major Linton, which is to the effect that this was money received from pawnbrokers and deposited as you would have us believe, to your credit, as the agent of the pawnbrokers—not being city money—what money had you, if any, from pawnbrokers to draw against if the demand was made?

A. None. I never supposed it to be city money, but that I owed individual obligations to them.

Q. You said to the Committee that the feeling and believing that you were acting in the capacity of agent for the pawnbrokers, you drew against that money deposited in order that you might distinguish it as theirs?

A. I did not order it to be so deposited to distinguish it as theirs, but simply as a matter of convenience and safety—for no other reason.

Q. But you drew against that account without any authority from those for whom you were the agent ?

A. I certainly did.

Q. How do you know that that money—the \$8,000 was in the safe every day ? How do you know it was there ? Did you count it ?

A. I always kept the money in bulk in one thousand dollars or two thousand dollars, and the packages were strapped and marked. I know it was there. I know it, because I saw it there.

Q. How many times had you counted it ?

A. I was in the habit of counting it myself. Mr. Fell, I always had to count it after my own rough count.

Q. Then you say it was there, but not from seeing it there every day ?

A. On some days I did not look at it. But I know I had the combination of the safe and that nobody could get into it. I knew it to be safe.

By Mr. Bardsley :

Q. You were indebted to the city some nine or ten thousand dollars ?

A. I never was. I beg your pardon. I have no desire to assume the payment of the \$10,000 in full. Mr. March represents \$2,000 and Major Linton represents \$870, I think, for amusement licenses, etc. Individually, my account is the pawnbrokers' account, and that amounts to \$8,000, and I think that upon the last day the return was made six or seven payments were made by pawnbrokers—upon the last day of the return.

Q. You are aware, as between yourself and the city, you do owe the entire amount ?

A. Yes, sir. But I say that those other men should have their share. I was not indebted for Mr. March's money, under the contract.

Q. You were responsible for it ?

A. I was not—under the contract. The city designated an officer of the department, and that officer was certainly accountable, being designated under the contract.

Q. But you were accountable to the city ?

A. The ordinance does not say so. The ordinance says that the Mayor shall delegate a person who shall be responsible.

Q. Then you think that in case of an officer making default it would not be your fault ?

A. Not my fault. I might possibly have to make it good; but here is the case of an officer who handles from \$90,000 to \$115,000 a month. He gives no bond. Possibly a bond should have been exacted from my Chief Clerk ; he handles that amount of money per month. Clerks all through the city, who do not handle one-third of that amount of money, are under large bonds, but in the Mayor's office no bond is in existence.

Q. For all the receipts in your office you are responsible, are you not ? But I am informed that for the money for the redemption of dogs you are not responsible ?

A. I don't think that if you will read the ordinance and the contract you will think I am at all responsible ; it is an old contract which has been continued from year to year.

Q. Suppose you had died while that money was in the safe, and you had been largely indebted to the city ?

A. Well, I am like a great many people, unfortunate in being insured ; and I am afraid that I would be worth more dead than alive.

Q. But how about the city ?

A. There is plenty for the city outside of that.

By Mr. Clay :

Q. It was in your power to exact security from your clerks ?

A. Yes, sir ; but in the office nothing could be done without absolute sheer robbery, because the warrants are all drawn to individuals.

By Mr. Bardsley :

Q. How about this money for redemption of dogs ?

A. There seems to be no redemption for dogs ?

Q. You are not responsible for it ?

A. No ; but I assume all the responsibility. The contract does seem to be in a shape which does not make me responsible. That is the view of the attorneys.

Q. Have you had occasion recently to go outside of your usual sources of work to raise any money ?

A. I have not.

Q. Have you created any mortgages ?

A. No ; I am unfortunate in having only one property in the Twenty-eighth Ward and one in the Third Ward. They are both clear.

Q. They are free from all incumbrances ?

A. They are. I don't owe one cent upon them.

Q. Is there nothing against either of them.

A. I have nothing—no judgment nor anything against me.

Q. Mortgages or ground rents ?

A. Nothing of the kind. Yes. On my property in the Twenty-eighth Ward there is a ground rent. The property only is mine. The ground rent I never purchased. It belongs to a member of the Chamber.

Q. I thought that you said that your properties in the Twenty-eighth Ward and Third Ward were entirely clear ?

A. So they are ; but I only bought the domicile and not the ground rent in the Twenty-eighth Ward, because the gentleman wished to retain the ground rent.

Q. Don't you know that a ground rent on a piece of land covers whatever is on it ?

A. Well, I am not at all afraid of my investment in the Twenty-eighth Ward.

Q. So that you think your house is clear in the Twenty-eighth Ward?

A. I think it is pretty clear just now.

Q. With the ground rent against it?

A. I have already corrected my statement by saying that I had only purchased the property and not the ground rent.

Q. Then it is subject to a ground rent?

A. Yes. But as I have it, it is in its original state. I will now hand over to the Committee, if they desire to have it, the tabulated statement, showing the receipts for various years, to which I referred in the first part of my evidence, and the Committee can have it placed in their record.

(Mayor Smith here presented the following paper):



*Receipts of Department from 1876 to 1886.*

395

Years.	Pawnbrokers.	Gunpowder.	Petroleum.	Amusements.	Dogs, &c.	Miscellaneous.	Total.
1876.....	\$6,400 00	\$35 00	\$520 00	\$670 00	\$1,750 47	.....	\$9,175 47
1877 .....	6,900 00	60 00	480 00	430 00	1,464 78	.....	9,334 78
1878.....	7,400 00	65 00	420 00	580 00	1,124 75	\$300 00	9,889 75
1879.....	7,100 00	55 00	440 00	655 00	1,425 50	112 05	9,788 15
1880.....	7,200 00	35 00	490 00	450 00	1,148 01	492 06	9,815 07
1881.....	7,500 00	40 00	270 00	425 00	1,297 75	281 00	9,813 75
1882.....	7,900 00	30 00	.....	275 00	1,038 00	426 42	9,667 42
1883.....	6,700 00	25 00	25 00	275 00	1,046 00	164 00	8,210 01
1884.....	7,100 00	30 00	.....	250 00	540 00	487 17	8,407 17
1885.....	7,500 00	5 00	.....	750 00	1,084 00	30 94	9,369 94
1886.....	8,000 00	25 00	780 00	350 00	1,916 00	30 03	11,101 03

*William F. Fell*, being daly sworn, according to law, testified as follows :

Examination by Mr. Roberts (Chairman):

Q. What is your business ?

A. The Mayor's Inspection Clerk.

Q. Have you the combination of this safe of the Mayor's ?

A. I have.

Q. Does any one else have the combination ?

A. No one but myself and the Mayor. That was my distinct understanding at the time I took the combination that no one else should have it.

Q. When did you take it ?

A. At the time the safe was purchased, shortly after he came into office, or was inaugurated.

Q. What do you know about this money in the safe ?

A. In a general way I can say that there are always large sums of money in the safe. The Mayor frequently hands to me large sums of money done up in packages which I place in the safe subject to his order of removal.

Q. How much is there now ?

A. I cannot say. I simply take what he gives me.

Q. Do you count it ?

A. Sometimes I verify it when he has no time, and sometimes he will verify the account with me. Then I place it in the safe. At other times he will verify it and give it to me in packages which I put in the safe.

Q. How much [have you ever been called on to verify ? What has been the largest amount ?

A. The largest amount that I suppose I ever had there was \$15,000 or \$20,000 in the safe.

Q. In what shape was it ?

A. Principally in notes.

Q. Of what denominations ?

A. Mostly large, but sometimes fives, tens, and twenties, and sometimes larger.

Q. It would take a good many of them to make \$15,000 or \$20,000.

A. When he had that much money there—that occasion was one time ; when he had that much.

Q. In the other instances how was the money ?

A. Sometimes it was in notes of large denomination, and at other times in fives, tens, etc.

By Mr. Bardsley :

Q. Where did that money come from ?

A. I received it from the Mayor.

Q. Do you know where it came from ?

A. I do not.

Q. What are your duties there in that office ?

A. They are to make all the appointments. The Mayor furnishes me with a list of the appointments and I have the applicants to go through the form of sending them to the Police Surgeon, and after he reports to the Mayor their names are handed to me, and if the applicants are appointed I receive the lists from the Mayor, and send for the applicants and they fill up the blanks, and I swear them in and furnish the clerk of the Chief of Police with a memorandum of the appointments.

Q. Is there anything else you do ?

A. I also inspect the repairs to the station-houses throughout the department. Any repairs needed are reported through the Chief of Police, and sometimes to myself. I go and look after the repairs and report personally to the Mayor, and if he orders them I then order the repairs.

Q. What other business have you ?

A. Well, my duties are numerous—whatever the Mayor directs.

Q. I understand that you are under the directions of the Mayor. Can you tell us anything else you do.

A. Well, last year the entire construction of the patrol houses was under my personal supervision—everything done in the construction of the houses was under me.

Q. You say the alteration and construction of the patrol houses?

A. Everything connected with the construction of the houses, and the equipment of the houses was done under my directions.

Q. Have you done much of that kind of work this year?

A. Up to the first of last May.

Q. What did you do in this direction this year up to the first of May?

A. We finished up No. 5 Patrol House, Juniper and Sansom streets, about the first of the year. We then started in with the alteration and improvement of Twenty-fifth Police District. I obtained the bids and looked after that work there.

Q. How often did you go there?

A. I went there some three or four times a week.

Q. It is in testimony that a patrolman was placed in charge of those alterations?

A. Yes, sir.

Q. Under you?

A. Under the direction of the Mayor, his brother, Mr. John F. Smith, was placed there to be continuously there and see that everything was carried out in accordance with the contracts. and if anything went wrong or was not carried out in accordance with the contracts, he was to report to me and I report to the Mayor.

Q. Do you keep any record of the money in that safe?

A. I have no necessity to do it. I simply take it as the custodian and place it in the safe upon the orders of the Mayor. I simply take it in packages.

Q. What kind of a custodian were you, then ?

A. I took the packages.

Q. You do not know how much there was ?

A. I don't know. I took it from the Mayor just as he gave it to me from time to time.

Q. And then counted it ?

A. I did not always. Sometimes I counted it with him, and sometimes he would hand it to me to count.

Q. Then you counted it and put it in the safe ?

A. Yes, sir.

Q. It is for that reason that I asked you how much is there now ?

A. I could not say.

Q. About how much ?

A. I could not say. I take it as it is given to me. I never touch the money unless he tells me to give him a certain amount of the money.

Q. You count it when you put it in ?

A. Sometimes I do.

Q. And sometimes you count with him ?

A. Yes, sir.

Q. So you know because, at any rate, it is counted in your presence ?

A. Not always.

Q. Are there \$10,000 there to-day ?

A. I could not say.

Q. Give us the amount, to the best of your judgment. You handled this money—you are its custodian.

A. I say that I take the money from the Mayor, from time to time, and place it in the safe. At other times I go to the safe and I find money in the safe, which, from the bulk of it, I know has increased since I was there before, and then I have frequently said to the Mayor, "Did you place money in the safe?" and he of course has said "Yes."

Q. What was the last day that you put any money in the safe, yourself or with the Mayor?

A. I put money in the safe to-day.

Q. How much?

A. About \$128.

Q. How much yesterday?

A. About \$108.

Q. Was that money receipts in the office?

A. No, sir.

Q. Was it private moneys?

A. It was not from the receipts of the office—not city money.

Q. How much did you put in the day before?

A. Nothing.

Q. When did you receive any large sum of money—\$15,000 or \$20,000? When did you have that much there?

A. Not recently.

Q. About when?

A. I could not say.

Q. How is it you know there was that large amount of money—\$15,000 or \$20,000?

A. I understood the question put to me to be, how much money was in the safe at different times? and I answered that at different times I had that much money there.

Q. At one time?

A. Yes, sir; at one time.

Q. About when?

A. I cannot say.

Q. A year ago?

A. I think it was inside of a year.

Q. And was it last August?

A. I won't pretend to come down to the month, or the time.



Q. But come down to three months?

A. All I say is that I know there have been large sums of money in the safe within three months.

Q. Within three months of to-day?

A. Yes, sir.

Q. How much was there?

A. I cannot say.

Q. Fifteen thousand dollars?

A. I cannot say. It was placed there by the Mayor.

Q. When did you last place a large amount of money there in bundles?

A. Not for some time.

Q. How long is that?

A. To the best of my knowledge, in six months.

Q. Then, how large a sum did you place there?

A. I do not remember.

Q. You said a large sum. How much is a large sum?

A. I say that I am at different times receiving large amounts of money. Sometimes I count it myself, and sometimes he puts it in there. I am not supposed to know what he puts in there, and I make it a rule never to touch the money unless he tells me to.

Q. Did you say that about three months ago you put a large sum in there?

A. I did say I did it. I knew it was in there.

Q. How much is a large sum?

A. It depends altogether on what you call a large sum.

Q. What do you call a large sum?

A. I would call \$5,000 a large sum.

Q. Then, three months ago there was as large a sum as \$5,000 there?

A. I do not know. I did not place it there myself.

Q. But you state a large sum was there.

A. I said a large sum was \$5,000. I did not say that I placed \$5,000 there.

Q. But you said there was a large sum there three months ago?

A. Yes, sir.

Q. And then I asked you what a large sum was, and you said \$5,000. So, according to that, there were about \$5,000 there three months ago?

A. Yes, sir.

Q. Any more?

A. I do not know.

Q. Was there that?

A. I do not know.

Q. The Committee only wants you to tell what was there.

A. I can only tell to the Committee what I know about the money, and I have stated to the Committee exactly what I know about it, and I think I have stated it intelligently.

Q. We may be the judges about that. It is in order to corroborate the Mayor's statement, that he has brought you here for that special and particular purpose. Now, you don't corroborate, because you won't come specifically to anything.

Mayor Smith :

If the Committee will permit me I will say that I brought Mr. Fell here only to corroborate the fact that I took money out of the safe to deposit it—not for any other purpose.

By Mr. Bardsley :

Q. When was that?

A. On the date it was last deposited in the Fidelity?

Q. That was \$5,300?

A. I think it was \$6,070.

Q. That was on the 24th of August? You say that the Mayor took it out of the safe on that day?

A. I was called in the office, as I frequently am, and was told to open the safe. The Mayor went to the safe and shortly afterwards he told me to take the money and deposit it, which I did.

Q. How much money did he tell you to take out of the safe and deposit?

A. I did not take it out. He took it out.

Q. I thought you said that he told you to take it out?

A. No; only to open the safe.

Q. How much did he take out?

A. I do not know. He shortly afterwards gave me the book and the money to deposit. I think it was \$6,070.

Q. He took that out, did he?

A. He made out the account for the Fidelity. Have you a statement of having the \$6,070 deposited?

Q. I believe it was somewhere that. Did he take that money out?

A. Yes, sir.

Q. Was there any left there?

A. Yes, sir. There is always money in that safe.

Q. How much was left?

A. I do not know. I did not count it. It is his money entirely. I simply put in what he tells me to, and take out what he tells me to.

Q. You do not keep a record of it?

A. No, sir. I have no need to. It is his money.

By Mr. Clay:

Q. From what source did you receive that money, when you say you put large sums in?

A. I got it from the Mayor.

Q. Do you collect any fees due the city?

A. No, sir.

Q. None at all?

A. No, sir.

Q. When did you last count the money in the safe?

A. I never count all the money in the safe. It is only when he directs me about a certain sum.

Q. During the Mayor's absence from the city—from the 6th to the 16th of July—did you open the safe?

A. Yes, sir. I open it when I have to go there for any reason whatever.

Q. Was there money there then?

A. Yes, sir.

Q. How much?

A. I do not know. I take the money as I receive it from the Mayor.

Q. The Mayor has said to the Committee that he has had continuously in the safe a sum not less than \$8,000, much more than enough to make good any amount of money that could be adjudged due by him to the city. Now, you are brought here for the purpose of corroborating that statement—that that money was in that safe, and that you saw it taken out.

Mr White (of counsel for the Mayor):

Who said that he was brought here for that purpose?

Mr. Clay:

The Mayor said that.

Mayor Smith:

I want to say that Mr. Fell can testify only to this fact, that upon the date the large deposit which you have mentioned was made, six thousand and odd dollars, he, at my request, carried the money which I took out of the safe and deposited in the Fidelity. He was called to prove that. In order to prove that I did not shin around the street, or run around begging for the money.

Mr. White (of counsel for the Mayor):

There is no objection to the Committee asking the witness any questions. My own judgment was, so far as it went, to your misrepresenting what the Mayor had said.

Mr. Clay.

Very well; the Mayor has made his statement about it and I accept that.

By Mr. Clay:

Q. Did you see this money placed in the safe which was taken out for deposit?

A. I think I have made that very clear.

Q. Did you see that money placed in the safe which you deposited?

A. I didn't see that identical money placed in the safe.

Q. And you have no knowledge how long it was there?

A. I say there is always money in the safe.

Q. Have you any knowledge who placed it there?

A. I have not.

Q. All you know is that you were simply called in to take it out?

A. I say there is always money in the safe.

Q. What were you called in for?

A. I have said that I received money from the Mayor frequently. Frequently he hands me large sums of money. Sometimes he hands it to me in bulk and I place it in the safe, and at other times he hands me the money and I count it and then place it in the safe. I never know what is taken out by him. I simply take out what he tells me to take out. He may take out a certain sum one day, and the following day tell me to put a certain sum in. I am not directed by him to keep an account of what is in the safe. He knows.

Q. What were you called in for on this particular day?

A. I was called in and he told me he wished to make a deposit.

Q. But what first?

A. To open the safe.

Q. And you did that?

A. Yes, sir.

Q. Then what?

A. Well, he went to the desk and made out the deposit.

Q. What did he take from the safe?

A. I saw him go to it and take money out of the safe. Then he made up the account to make the deposit and called me to take it.

Q. Then you simply opened the safe, and the money was taken out by the Mayor, and the deposit was got ready and you made it?

A. That is all.

By Mr. Bardsley :

Q. You don't know how much was taken out?

A. I don't know ; except that he made out the ticket and I went down and deposited the money he handed to me with the bank book.

Q. We simply want to know when that money was put in the safe that you saw him take out?

A. Which money?

Q. The money that he took out?

A. I have said several times that there was always money in the safe.

Q. I want you, if you please, to tell this Committee when you saw that money put in the safe that the Mayor took out on that day?

A. I cannot say when it was put in, or whether he put it in or whether I put it in.

Q. Do you know whether that money was put in a couple of days before?

A. I don't know anything about that.



Q. Might it have been ?

A. I can only answer by saying I don't know anything about it.

Q. You have told us that you have the combination of the safe and that you were the custodian of the moneys there, and the Mayor brings you here to corroborate him. Now, this committee don't think that you have corroborated him, and don't think that you have told enough. You may not know, but we want to know when that money went into the safe ?

A. Which money ?

Q. The money you saw him take out ?

A. I can simply reiterate my statement that there is money going into the safe and coming out at different times, and I am not able to specify any sum that goes in or that comes out.

Q. Did the Mayor take out as much as \$5,000 ?

A. He went to the safe and got out the money, and made out the ticket and gave me the book, and told me to go and make the deposit.

Q. Do you believe there was \$5,000 in the safe the day before ?

A. I have told you I don't know.

Q. Was there anything there the day before ?

A. There is always money there.

Q. About how much money was there the day before ?

A. I can only say that there is always money in the safe.

Q. Did you have \$10,000 there ?

A. I don't know what is in the safe.

Q. Then, all you know is that you saw the Mayor take out some money ?

A. Yes, sir.

Q. Was it more than a \$100.

A. I don't know. He took out some money and went to his desk, and when he had made out the ticket he told me to go and make the deposit.

Q. You don't know how much he had taken out?

A. That is what I have told you.

Q. You don't know how much was there?

A. I never know what is in the safe.

Q. You don't know anything at all, except that there is always money in the safe?

A. Yes, sir.

Q. That is about all you know?

A. I have told you that there is always money in the safe, and very often large sums of money.

Q. But you cannot tell what there was in the safe three months ago, nor the day before the deposit was made?

A. I do not know the amounts.

Q. If you can help the Committee to corroborate the Mayor, we will be obliged to you, because he said that he had a witness to prove this matter, and you are the man by whom he told this Committee he could prove that he had plenty of money there to pay all demands of the city. Now, the substance of what you tell us, is simply this, that there was money put in and taken out, more or less, all the time; but how much you don't know?

A. I know that he went to his desk and made out a ticket and handed me the bank book with the money.

Q. Do you know that the money which he gave you to take to the bank came out of the safe?

A. I saw him go to the safe.

Q. Do you know that the money which he gave you with the bank book came out of the safe? That is the question you were asked.

A. I saw him go to the safe.

Q. Will you say to the Committee that the money you took to the bank came out of the safe?

A. To the best of my knowledge and belief, it came out of the safe.

By Mr. Lawrence :

Q. You say you never knew how much was in the safe ?

A. No, sir.

Q. Did you hear the testimony of the Mayor given here ?

A. I did.

Q. Did you not hear him swear that he counted the money and handed it over to you, and you made a note of it ?

A. Yes, sir ; that was at times.

Q. Then you knew how much there was at that time ?

A. It was at different times. There is always money in the safe, but how much at a particular time I cannot say. For illustration—he might ask me to verify it, and I would verify that particular amount, whether it would be \$3,000 or \$4,000 and place it in the safe. But when I did place it in the safe I had no knowledge of all that was in the safe.

Q. You would verify it only when he handed it to you, and then put it in the safe ?

A. Yes, sir.

By Mr. Roberts :

Q. Then you never knew what was in the safe altogether ?

A. Never. His Honor would place in different sums at different times.

Q. How long has this safe been there ?

A. He bought the safe shortly after his inauguration.

Q. What else is kept in the safe besides this money ?

A. Valuable papers of his.

Q. Private papers ?

A. Private papers, and jewelry and insurance papers and bonds. It is a private safe entirely. Now, I would like to say one thing further about those checks. The Mayor was away.

By Mr. Lawrence :

Q. What checks ?

A. I mean the checks that were protested. The Mayor was away. I left the office about 3 o'clock one afternoon, and was informed the next morning that a notary had been there with two checks that had been protested. I asked where they were from, and they told me that one of the checks was at the Fidelity, and that the other check was at the Independence Bank. I went to the Fidelity and saw, I think, Mr. Scott. I said to him that I understand there is a check here of Mayor Smith's which has been protested for want of funds. He said, yes. I then said, "He is away from the city, or it would not have been left to go to protest." I then went to the Independence Bank, and I found they were the collection agency for a New Jersey Bank. I made the same statement to them. On that day Major Linton was absent from the office. The following day either Major Linton came to me or I went to him, and I said there are two checks gone to protest, and I cannot understand it that the Mayor should go away and allow the checks to go to protest. He said "all right, I will attend to it." Later in the day, or on the following day. But first I immediately wrote to each of the parties and told them that the Mayor was absent from the City, and that if the checks were returned that were protested that they should please hold them until his Honor would return, as in all probability he had overdrawn his account without knowing it, and as soon as he returned to the City the matter would be all right. That afternoon, or the following morning Major Linton came to me and said those checks are all right. I have deposited money to make them all right, and more too. I said I have written to the parties and told them to keep them until the Mayor's return. What amount the Major deposited I don't know.

By Mr. Bardsley :

Q. When was this ?

A. It was during the Mayor's absence from the City.

Q. On what date ?

A. In July.

Q. What time in July ?

A. Somewhere between the 6th and 9th.

Q. About when do you suppose those checks were made good ; on the 8th, 9th, or 10th ?

A. I know nothing beyond the statement I have made to you.

Q. Do you know that you are correct as to the dates ?

A. You asked me about the time, and I said that I thought about the 6th to the 9th of July.

Q. The check was protested upon the 13th of July ?

A. I only speak from recollection ; my recollection is that the Mayor went away on the 6th of July, and returned on the 15th ; it was during that time that those check matters occurred.

Q. But the check was protested on the 13th of July ?

A. I only answer to the best of my knowledge and belief, that it was about that time.

Q. Do you know when the checks were made good ?

A. No, sir.

Q. About what date ?

A. No, sir.

Q. You have just testified that it was from the 6th to the 9th that they were made good ?

A. No, sir ; I said it was about that time they went to protest. I said that it was during the time that he was away from the office—from the 6th to the 15th of July.

Q. When do you suppose it was that Major Linton told you that he had made the amount good ?

A. I said either that afternoon or the following day.

Q. The day after the check was protested.

A. The afternoon after the day the check was protested, or the following day.

Q. That would be about the 15th then ?

A. I am only speaking to the best of my knowledge. I took notice of the thing at the time, but only simply recall it. I made no note of it, and did not take the matter into consideration at the time. I have simply thought of it since, knowing that it was at the time he was away.

Q. Now, you are making a voluntary statement. This Committee did not ask you to make it. They have the right to expect that you are stating some fact. Now, was it a day or two after the protest when Major Linton told you that it was all right ?

A. It was the afternoon after the day of the protest, or the following morning that the Major came to me and said it was all right.

Q. When I tell you it was protested on the 13th. on what date would you say it was that Major Linton told you it was all right ?

A. That would be, then, the morning of the 15th ?

Q. Now, Mr. Scott in his testimony testified before this Committee that the checks were paid on the 21st, I think ; that these two checks were not paid until the 21st of July, because there was no money in bank to pay them. That is the testimony of the bookkeeper.

A. Can I explain what I suppose to be the cause of that ?

Q. Certainly.

A. I said that I wrote to the parties for them to hold the checks until the Mayor's return. I don't think they presented them again for payment during the time between the 13th and the 21st. They may have been holding the checks, and did not present them for payment until the 21st; but that does not prove that the Major did not come to me and say that he had deposited the money to pay the checks.



By Mr. Clay :

Q. Do I understand you to say that the notary brought the protests to you ?

A. No, sir.

Q. How did the matter come to your knowledge ?

A. From Captain Leaborn—that a Notary came in and asked for Major Linton. He was absent, and then he said that I was the next one who could answer the questions.

Q. I thought I understood you that the Notary came to you ?

A. No, sir. Then I went to the bank and saw Mr. Scott, and then went to the Independence Bank and told them why I supposed the checks had gone to protest, because the Mayor was absent from the city, and that he had overdrawn his account, of course, not knowing it.

Q. The protests were not presented to you then ?

A. I got the notice from Captain Leabourn.

By Mr. Roberts, Chairman :

Q. Did you ever count as much as \$15,000 there in that safe ?

A. I think I did.

Q. When did you count it ?

A. I said I thought about six months ago.

Q. Who was there ?

A. As a rule, if I count the money after office hours, I close the door and lock it.

Q. Were you alone ?

A. I don't say I was alone, but that is my usual custom.

Q. Was there anybody there when you counted it ?

A. If anybody was there it was the Mayor only.

Q. Nobody was there unless it was the Mayor ?

A. No, sir.

Q. Do you sometimes count it when he is not there?

A. Yes, sir; he hands it to me in bulk.

Q. The safe is left open?

A. No, sir; it is not left open. If he goes to the safe he locks it before leaving it, and if I go to the safe I lock it again.

Q. Was that sum in small notes or large notes?

A. I do not remember.

By Mr. Clay:

Q. Do you say that you lock the door when you counted the money?

A. I do very often.

Q. After you had counted it, what did you do?

A. I am not speaking of any particular sum of money?

Q. But you say that you counted as much as \$15,000?

A. I said that I supposed I did.

Q. Was the Mayor present when you counted it?

A. I won't say that.

Q. Do you remember counting \$15,000 and putting it in the safe?

A. I do not say it was that sum.

Q. But a sum approximating it?

A. Yes, sir.

Q. After you had done counting it, what did you do with it?

A. I put it in the safe.

By Mr. Roberts, Chairman:

Q. When that \$15,000 was put in the safe, was that in addition to other money in the safe?

A. There was always money in the safe.

Mayor Smith:—I desire to say to the Committee that I never gave Mr. Fell any money without a memorandum of the amount. He would count it, and verify it and return me the memorandum. I kept that myself.

By Mr. Clay :

Q. After you had done counting the money, you would just put it together and put it in the safe ?

A. Yes, sir.

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*William B. Smith*, recalled.

By Mr. Bardsley :

Q. Mr. Fell has just testified that he put money in the safe and that he did not know how much was taken out ?

A. No, sir.

Q. Did you give him a memorandum ?

A. He always knew the amount. He counted it. But when he put it in the safe he did not know as a rule the amount in there—that it was added to. Mr. Fell has access at all times to that money, and I can say on my oath that I don't believe, without instructions, that he ever touched or handled or looked at a single memorandum in the safe.

Q. Now, can you tell us about how those deposits were made up concerning which you were asked when you were on the stand before ?

A. July 7 was money that I gave to Major Linton, the day or two before I left Philadelphia, for deposit. July 12 was \$120, which he deposited out of moneys in his hands of which he had no need. July 14 was made up of various sums from various sources. I will say that a large sum of money was given by me to Major Linton before I left the City.

Q. Do you object to telling us where that money came from—the \$1,907.62 ?

A. I think probably, the greater portion of that came out of this identical safe. I often bank sums of money, and I make it a rule in banking, to send the small notes, the irregular money or fractions of sums, so that I can keep the large amount in the safe.

Q. By irregular money you mean what ?

A. Ones and twos, small notes and sometimes I have on hand considerable coin, trade dollars or gold.

Q. The deposit of July 14 was the day before you returned ?

A. Yes, sir.

Q. What did you say that was composed of ?

A. I cannot say, but Major Linton says that he made the money up out of a great many memorandums which he gave to me upon my return.

Q. And he says that he does not know ?

A. Yes, sir.

Q. When did you leave ?

A. He says that I left on the morning of the 7th.

Q. Then you gave it to him on the 6th ?

A. The afternoon of the 6th or the morning of the 7th.

*John L. Linton*, recalled.

Examination by Mr. Roberts (Chairman):

Q. What have you to say about that deposit of the 14th ?

A. The deposit of the 14th was made up of a great many sums of money which had been paid on account of the Mayor—private money, of which I gave him a memorandum, but kept none. On his return, I gave him a memorandum showing from whom I had received the money, and I know there were a number of persons.

By Mr. Clay :

Q. Did you take any money out of the safe ?

A. No, sir.

Mayor Smith : I will say that he did not have access to the safe.

The Witness : The Mayor left about 12 or 1 o'clock. I think it was the very morning he left, that he gave me the money to deposit, which has been spoken of.

By Mr. Lawrence :

Q. That was in addition to the sum which you have already referred to ?

A. Yes, sir ; the \$120 were deposited by reason of information I had from the bank that there was an overdraft, and to make it good I took some of the money that he left with me, to make up the amount.

By Mr. Bardsley :

Q. You don't know what the large sum consisted of, you say ?

A. It was made up of a variety of sums.

Q. Checks ?

A. Most of it was money.

Q. Were there any checks ?

A. I don't recollect whether there were any checks—whether it was money or checks.

Q. Were there large notes ?

A. I think some of them were, but I cannot really recollect the quality of the money composing that sum.

Q. From whom did you receive it ?

A. I don't know ; I kept no memorandum myself because it was the Mayor's own private business.

Q. Do you remember any portion of it ?

A. Not a single item.

Q. And you don't remember one person from whom you got it?

A. I hoped I had kept a copy of the memorandum which I gave to the Mayor, but I have examined my desk thoroughly, and some of the drawers in the office and I cannot find it. I regret that I cannot find it.

By Mr Lawrence :

Q. It was the Mayor's private business?

A. Entirely; it had nothing to do with the licences, or with public moneys. I think some of it may have come from his Third street store. I think so, but I am not sure about it.

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*Alexander Gray, recalled.*

By Mr. Bardsley :

Q. You were on the stand yesterday, and you stated that you were a police officer, and now on the force as a special officer, and had been on since the 1st of January, and that during that time, so far as your memory would assist you, you had been on active duty all the time except about two months, during which time you had not been on active duty. You were asked by the Committee what was the character of the service you had performed? Your answer was Special duty, in several districts or all over the city, and that you were detailed by the Chief of Police. We asked you what was the character of the duty you had been performing, or the duty you had performed, and you said that you declined to answer. Now, as a servant of the city, we thought that you should tell us something about the services you had performed for the city.

A. It was my duty, and I reported to the Chief of Police. I thought it would be detrimental to the interests of the service if I should tell you what I had been at.



Q. Tell us some of the work you did in order to satisfy us that you really did something. Because your answer was, when the question was put to you, "What have you been doing to-day?" "I decline to answer." Then the question was put to you, "Why do you decline to answer," and in substance you said, that it would not be to the interests of the service to tell what you were doing. Then you were asked about other days, what you were doing on other days, and when you were asked about one day, you were asked again what you did the day before, and you answered, "I was absent from the city." And you also said you were down in Maryland and in Atlantic City; now wont you tell the Committee what you were doing—what was the nature or character of the work you did?

A. Well, I did work for the Fire Marshal, in investigating cases of supposed arson.

Q. That is, investigating cases of arson?

A. Yes, sir.

Q. In your capacity as a detective?

A. Yes, sir. And then I was investigating cases for the Chief of Police, and in connection with the Detective Department. I was working with officers, or in connection with officers belonging to the Detective Department.

Q. It is currently reported that you were a special officer at the theatre on Chestnut street?

A. So I see it reported.

Q. What have you to say about that—were you not?

A. I was not.

Q. You never did any duty there?

A. No, sir; not at the Temple Theatre or for any person connected with it.

Q. You never received any payment from there?

A. No, sir; and I suppose that the records of the theatre will show that.

Q. Did you ever act as a "go-between," or in any capacity between the criminals and the city?

A. No, sir.

Q. Did you ever have anything to do with the policy men?

A. No, sir.

Q. Did you ever arrest any of them?

A. Yes, sir; frequently.

Q. Well, tell us when?

A. I have not any record of that. The records of the office will show it.

Q. The last two, three, or four months I am speaking about. I am referring to what you have done since the first of the year.

A. I have had nothing to do with them since that time.

Q. It is reported in certain circles that you are what is called a "go-between." That for the last two or three years you have been "in" with the policy men. Do you understand what that term means?

A. I cannot help the reports which are floating around. There are a great many reports about all of us.

Q. Of course. I understand that. Will you tell us whether there is any truth in that?

A. Not as I know, and I ought to be the best judge of it.

Q. Have you ever been mixed up at any time while you have been on the force, within the last two years, as a "go between" between the Police Department and policy shops?

A. No, sir.

By Mr. Lawrence:

Q. What do you understand by the term "go between?"

A. I understand it to mean a man that protects them.

Q. Well, let us understand it; I am asking you as a detective. What do you understand that term to mean?

A. I understand it to mean a party who furnishes information, from the Police Department to the policy people, or who gives them protection in some way or other.

By Mr. Bardsley :

Q. There is no truth at all in that report concerning yourself ?

A. Not so far as I am concerned.

Q. During the last six months you have performed such duties as Chief Stewart required ?

A. Yes, sir.

Q. You report directly to him and are answerable to him ?

A. To the Chief of Police.

Q. With the Chief of Detectives, Chief Kelly, what have you to do ?

A. I have had no connection with Chief Kelly since the 6th of last November. I would like to say that we do not even speak.

Q. You were on the detective force before ?

A. Yes, sir ; until the 6th of last November.

Q. The Chief told us what you yourself said, that you were discharged under a misapprehension, and that when the facts were learned they determined to replace you ; that was the testimony of Chief Stewart this morning.

A. Yes, sir.

By Mr. Clay :

Q. Did you receive a full month's pay in August ?

A. No, sir.

Q. When did your pay cease ?

A. On the 31st of July.

Q. What money did you draw in August ?

A. None.

Q. Why was that ?

A. Well, I have not got it.

Q. Were you certified to the Controller as being entitled to your pay for August ?

A. I could not tell you.

Q. Did you get a full month's pay in July?

A. Yes, sir.

Q. You say that you have not received any pay for August?

A. No, sir.

Q. Why?

A. My warrant has been withheld.

Q. Was it certified to the Controller that you were entitled to pay for August?

A. I suppose so. The Controller can vouch for that. I did not get it.

Q. Did you make application for it?

A. Yes, sir.

Q. To whom?

A. To the Chief.

Q. What did he tell you about it?

A. He told me that the warrant had been withheld.

Q. By him or by the Controller?

A. It was told me by both Howard March and the Chief.

By Mr. Bardsley.

Q. They both told you that the Controller withheld it?

A. That he refused to countersign it.

Q. Was there any reason why he should withhold it that you know of?

A. No, sir.

Q. Do you know of any reason why he should withhold it?

A. I do not see why.

By Mr. Clay.

Q. Now I see (referring to a statement in the printed pamphlet of testimony) that there was a claim of \$73.75. The Controller says that in August there was that claim, but that the warrant was not signed. What police duty did you do in August for this city?

A. I was doing some work for the Chief, and I was absent from the city.

Q. Where did you do any police duty out of the city ?

A. No where at all.

Q. Did you do any police duty out of the city in July ?

A. No, sir.

Q. You saw me at Atlantic City frequently during those two months ?

A. Yes, sir.

Q. You were not on police duty then ?

A. No, sir.

Q. But you drew your pay for the time while you were down there and not doing any duty ?

A. I will tell you this, that I was working on a couple of cases down there—a couple of robberies concerning people in Philadelphia.

Q. How long did that take you ?

A. Two or three days.

Q. And the rest of the time while you were down there you drew pay, although you were not doing any duty ?

A. Yes, sir. That is about it.

Q. Did your superior officers know that you were not doing duty ?

A. No, sir.

Q. How could they fail to know ?

A. Well, because when I went down there it was unknown to them.

Q. In other words you just sneaked off ?

A. Yes sir, many others do so, and I would do it again if I got the chance.

By Mr. Bardsley :

Q. Did you ever carry any money to the Chief of Police from anybody within the last two years ?

A. No, sir.

Q. Did you ever take any money from any person and carry it to the Chief of Police?

A. No, sir.

Q. Do you know anybody else who did it?

A. No, sir. I do not.

Q. Do you know that it was done—from policy dealers, if you please?

A. No, sir; I do not.

Q. Did you ever hear any rumors of that kind?

A. The Chief can answer that question himself.

Q. But I am asking you so far as you know?

A. There have been a great many rumors about me, like that one about my being at the Temple Theatre.

By Mr. Clay :

Q. You said that you sneaked off like others in the department. Now who were some of those others?

A. Well, I do not propose to tell on anybody else because I happened to get caught. I am caught and that settles it.

*John F. Smith*, being duly sworn, according to law, testified as follows:

Examination by Mr. Roberts, (Chairman) :

Q. What is your business?

A. I am a furniture manufacturer by trade, but I am not doing anything since the first of September.

Q. Have you been on the police force at any time?

A. Yes, sir.

Q. When did you leave it?

A. I sent in my resignation on the last day of August, to take effect the first day of September.



Q. When did you go on the force ?

A. On the 6th of April. I was sworn in on the 6th and went on duty on the 7th.

Q. Where do you live ?

A. 1238 South Tenth street.

Q. To what district were you assigned ?

A. I was detailed for special duty at the Twenty-fifth police district to take charge of alterations and attend to material that was left.

Q. Was that service performed ?

A. Yes, sir.

Q. How many days did you serve ?

A. Every day until I sent in my resignation.

*Ezra Lukens*, being duly sworn according to law, testified as follows :

Examination by Mr. Roberts (Chairman).

Q. What is your business ?

A. Assistant clerk at the Mayor's office.

Q. I believe the Committee want to examine you upon the subject of fees for the swearing in of private watchmen.

A. I have charge principally of swearing in private watchmen and patrolmen, and some four hundred have been sworn in since I have been there.

By Mr. Clay.

Q. Is there a fee charge for swearing them in ?

A. No, sir.

Q. There is no charge ?

A. Never.

Q. Who furnishes them with badges—the department?

A. No, sir; they procure them outside. When they ask where to go we recommend them to go to a certain place on Market street.

Q. When they come to the office and make application to be sworn in, no fee is charged to swear them in?

A. There is no fee.

By Mr. Lawrence.

Q. Private watchmen are watchmen who are recommended by citizens to watch their places?

A. Yes, sir, and by corporations.

Q. The citizens themselves pay them?

A. Certainly. For instance, the Pennsylvania Railroad has a large number, and so have other corporations.

Q. They simply get sworn in as private watchmen to give them a certain amount of authority?

A. Yes, sir—authority for them to carry firearms, and have a badge, and to make arrests, the same as police officers.

By Mr. Bardsley:

Q. How long have you been in the department?

A. Since the middle of February last.

Q. What are your duties?

A. I am assistant to the Chief Clerk, or have been up to the present time. Mr. March was Chief Clerk. I am especially charged with issuing these commissions to the special officers, and attend to sundry correspondence.

Q. Do you mean the Mayor's correspondence?

A. Not his private correspondence, but correspondence of an official character—applications for information, such as come from neighboring cities, in regard to police matters. Every communication of that kind requires to be attended to.

Q. Are you fully employed?

A. Yes, sir.

Q. With those duties ?

A. Yes, sir.

Q. How many special watchmen have been sworn in since this morning ?

A. None to-day.

Q. What did you do to-day, then ?

A. I was there until about one o'clock, when I received a notification to appear here, and I have been here ever since.

Q. That is, since one o'clock ? What were you doing in the office before one o'clock ?

A. I was there ready to perform any duties.

Q. Well, you were ready to perform it, but you had no duty to do ?

A. Not to-day.

By Mr. Lawrence :

Q. There is not much duty going on in your office now, because of this investigation ?

A. Not much.

Q. It has put a sort of block on the wheels of your office ?

A. Well, I will say that some twenty or thirty were sworn in last week.

*Isaac H. Shields*, re-called.

Examination by Mr. Roberts, Chairman :

Q. Do you know anything about this large amount of money said to be kept by the Mayor in his safe ?

A. I know nothing about any amount, but I know about it this—that on one occasion some time this year, as near as I can tell three or four, or six months ago, I saw Mr. Fell come into the Mayor's Office, and get the keys from the Mayor, of the safe that stands in the Mayor's Office. He opened it, and

in the opening of it, as I stood near him, I saw what seemed to me to be large amounts of money. The safe was locked and he went out, and I called the Mayor's attention to the fact whether it was safe to have so large an amount of money as appeared to me to be there, as I had seen it a few minutes before. His answer was that "The watchman stays in this room all night." The old gentleman who is watchman there. That seemed satisfactory to him, but the amount seemed to me to be so large—there were two large packages of money.

Q. You judged by the bulk, altogether?

A. Altogether.

Q. They were in bank notes?

A. In bank notes. There were some small packages lying there, and then these that I referred to would make—I don't know how large sized they were, but they stood so high (indicating with his hands).

By Mr. Bardsley:

Q. They were nice looking?

A. I cannot tell you that; all money looks nice to me.

By Mr. Lawrence:

Q. You say you saw Mr. Fell get the keys of the safe?

A. That is my recollection.

Q. But the safe has a combination; what keys did he require?

A. It seems to me there was something he used. I said a key, but whether advisably or not I don't know; but I did think he used something to open the safe, or to do something. He spoke to the Mayor. I am unable to say that he had a key in his hands.

Q. There might have been an inside door to the safe?

A. I don't know; but it struck me as unsafe, and so I called his attention to what I thought maybe he didn't know.

Q. Can you locate the time?

A. I have done the best I could about that. I was sitting in this room and my attention was called to the matter by a statement of the Mayor, and I spoke to one of the counsel for the Mayor, and I suppose that is the reason why I have been recalled.

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*Charles W. Wood*, being duly sworn, according to law, testified, as follows:

By Mr. Roberts, Chairman:

Q. Where do you live?

A. No. 1809 North Twenty-second street.

Q. What is your business?

A. I now have charge of the fire appliances at Mr. Wanamaker's.

Q. Were you in the employ of the city at any time lately?

A. Not since the 19th of March.

Q. Of this year?

A. Yes, sir.

Q. In what capacity did you then serve?

A. I was Fire Marshal.

Q. What do you know about these fees in relation to the petroleum licenses?

A. In what respect do you mean?

Q. You made certain surveys?

A. I did. I made some examinations of places where they had coal oil stored.

Q. Do you know how many you made?

A. In all about thirty-five or thirty-six.

Q. There was some fee for that service?

A. I got in each case \$2.50 from Major Linton.

Q. Was that the entire amount of the fee?

A. That was the entire amount I got.

Q. Where did he get it?

A. I don't know; that is, I cannot testify of my own knowledge.

Q. You didn't collect the fees?

A. I didn't.

Q. Who did collect them?

A. I presume he did.

Q. He turned over that much to you?

A. He gave me \$2.50 in each case.

Q. How much did you get in all?

A. About \$85. There is one case concerning which I am in doubt whether I made a report upon it or not, or received a fee. I made reports of all cases I examined which were handed to me to examine, and I received \$2.50 in all of them. That is about \$5. There is one that I am in doubt about, whether I received any money from it. That is the case of Mr. King, on Arch street. I was on my way to the store of Mr. King on the afternoon of the coal oil fire. I stopped at a news company to get a paper, and while I was there some one told me that there was a fire, or that there was a great smoke in the clouds, and I looked up and saw it, and I run to the office and found out where the fire was and went there. Of course, the place was burned out. I am in doubt whether I made any examination or made any report about the place where they moved to. They moved into the building occupied by the Sun Light Oil Company, I think.

By Mr. Bardsley :

Q. Major Linton testified to-day that there were about sixty odd applications for licenses, upon which the fees were paid, and upon which you received \$2.50 on each one, and that you only made surveys on about twenty-six. I believe I am cor-



rect in the figures, Major Linton? (Addressing Major Linton, who is present in the Chamber.)

Major Linton :

It is sixty-one. But you are wrong in regard to the amount of \$2.50. I swore that I received \$5.00 for Mr. Wood in the wholesale cases, and \$2.50 in the retail cases.

By Mr. Bardsley :

Q. How many surveys did he make? (addressing Major Linton?)

Major Linton :

Twenty-six are on file in the office. He may have made more, but he never returned them to the office.

By Mr. Bardsley : (addressing the witness, Mr. Wood.)

Q. You hear that there were sixty-one places that were paid for, and that you were paid for, and yet that you made only twenty-six surveys, or reported the same to the office? A portion of those were wholesale licenses, upon which you received \$5.00, and another portion were retail licenses, upon which you received \$2.50—those amounts being one-half of the fees supposed to be legally chargeable. Is that so?

A. It is not so. I received \$2.50 in each case. I do not know how many applications were made. There were surveyed by me some 37 or 38 cases. He made some records, but I never got the benefit of them.

Q. He said that you were paid in 61 cases?

A. I was not.

By Mr. Lawrence :

Q. How much money did you receive?

A. I think \$85.

By Mr. Bardsley :

Q. Do you remember how the \$85 were made up—of how many, \$5 ?

A. I do not? The law does not mention wholesale, but it says that refineries or places of large storage houses that have quantities greater than 25 barrels shall pay a license fee of \$10.

Q. How many of those were there ?

A. I can give you the list of all that I examined.

Q. But how many did you get paid for ?

A. Only for 35.

Q. Wholesale ?

A. No, sir.

Q. Then you were not paid the \$5 in any one ?

A. Yes, sir. I am not sure about the record in Mr. King's case. I don't remember of receiving any money on that account. If I did, I did not make a memorandum of it. Still, I have assumed that I did receive it, because I am in doubt.

By Mr. Lawrence :

Q. 17 at \$5 each would be \$85, and 34 at \$2.50 each would be \$85.

A. There were either 34 or 35 cases that I received \$2.50.

By Mr. Bardsley :

Q. In how many cases did you receive \$5 ?

A. None.

By Mr. Lawrence :

Q. You did not receive more than \$85 in the total ?

A. The total amount was \$85. I want to say that the law prohibits the refining or storing of certain coal oil within certain limits—within the limits of Mifflin street and Allegheny avenue—in quantities greater than 25 barrels. When they are kept on storage in such cases, the license fee is \$5 and the Marshall's fee is \$5.

By Mr. Roberts :

Q. In what cases is the Marshall's fee \$10.

A. Where a refinery carries, or were there is on storage a greater quantity than 25 barrels.

Q. How many such cases were there ?

A. I received pretty much the larger classes of dealers. Two or three cases I received were where it was in small quantities, 5 or 10 or 15 barrels.

Q. I want to know in how many cases the Marshal's fee was \$10, and in how many cases the Marshal's fee was \$5. Tell us in how many it was \$10 ?

A. I think 11.

Q. But is not the Fire Marshal's fee \$5 in every case ?

A. The law says that all refineries or storage places of quantities of more than 25 barrels shall pay a fine of \$10 ; that is, for his own use. He says that he shall have the right to demand it before any survey, or before any examination—for his own use.

Q. How many of those places are there ?

A. Eleven.

Q. In which your fees would have been \$10 ?

A. Yes, sir.

Q. How many cases were there in which your fee would have been \$5 ?

A. Twenty-four—counting King & Sons in.

By Mr. Bardsley :

Q. That would be 35 cases ?

A. Yes, sir.

Q. Did you inspect all of these places ?

A. I did ; yes, sir.

Q. Then your fees ought to be \$230, according to law ?

A. I never counted it up.

Q. How much did you receive ?

A. \$85 in all. \$2.50 in each case.

Q. Now, Major Linton testified that he and you had an arrangement whereby you were to divide the amount of the Marshal's fee in two ?

A. Well, all the arrangement was made he made himself.

Q. He was the sole contractor ?

A. Yes, sir ; I did not hear his testimony, but I saw in the papers that he said I made the proposition to him. That is untrue. I never made any proposition of the kind. I was in danger all the time and consequently I was very cautious what I did.

Q. Did you receive any notification to inspect numerous places ?

A. Yes, sir. I inspected 34 or 35, or more, and made a report to him. That is all this year, 1886. He has the reports if he has not destroyed them. I made report in 34 cases. That is all I made reports of, according to the memorandums I have here. Some I didn't make a memorandum of. I recollect one that I didn't make a report on, which has not been specified, but which I recollect. It was on Spring Garden street, above Eleventh. I made a report to him about that.

Q. Why were you satisfied to take \$2.50 ?

A. Because my head was in danger, and I thought it was best to accept it.

Q. Was it part of your duty to report to the Mayor anything ?

A. Part of my duty.

Q. Part of your duty to report to the Mayor that you had examined these places ?

A. I made a report. The reports I made are addressed to the Mayor, but delivered to Major Linton.

Q. Did you acquaint the Mayor with this proposition of his secretary?

A. I did not.

Q. Why?

A. I don't know why I didn't. I say that I felt that my head was in danger, and that it might be to-morrow when I was to go.

Q. How was it last year?

A. Last year I never was called upon to examine but one place.

Q. All of last year?

A. Yes, sir; that I examined and made a report about. It was at the corner of Branch and Third streets. The man told me that he paid \$20 for it.

Q. Did you get your fee out of that?

A. No, sir; I never received a penny.

Q. But he paid \$20?

A. Yes, sir; he told me that.

Q. Do you know that he paid it?

A. No, sir; only as he told me.

Q. When the secretary to the Mayor made the proposition as you say to divide the fees, you did not like to say no, because you felt that your head was in danger?

A. Yes, sir.

Q. Didn't you think that it was your duty to acquaint the Mayor with that proposition?

A. I can't say that I did.

Q. And you never did acquaint the Mayor?

A. I didn't. The Mayor stated, I believe, that he had a conversation with me in reference to the fees. That is as I understood him. We never had a conversation in relation to the fees. We never had a word about it in anyway. I didn't submit the question to him nor he to me. But in regard to enforcing the law concerning these people—about collecting

the \$100 and the other things—we probably had two or three or more conversrtions.

Mayor Smith :

Didn't I say it was my belief it was impossible to enforce the law ?

The witness :

You didn't say you were adverse, but you said you didn't believe it was possible to enforce the law, from the fact that there was no penalty in the law, other than the forfeiture of the oil.

Mr. Rudiman :

The witness has said that he made reports to Major Linton, and stated that he supposed they were destroyed ; has the witness any copies of those reports which he can now produce ?

A. I have not.

Q. You didn't keep any copies ?

A. No, sir ; I did not think it was worth while.

By Mr. Edwards :

Q. You say you thought your head was in danger, and that consequently you gave the \$2.50.

A. It was rumored that I was going to be discharged and somebody else appointed, and Major Linton was the first man to give me a definite answer upon the subject. That was about the time they commenced the collection of these fees.

*John L. Linton*, recalled.

(Certain books are here produced by the witness.)

Examination by Mr. Clay :

Q. Well, what have you to say about this book (indicating a book).

A. You will see (referring to book) that Daniel Rosenthal



executed his bond on the fifth day of January, 1886. The bondsman is Mrs. Elizabeth Devine.

Q. Now turn to Jacob Rosenthal.

A. He has not executed any.

Q. Is there a bond there for Mrs. Etta Hymens?

A. No, sir.

By Mr. Bardsley:

Q. Now, what are those other books (indicating books)?

A. This is the license book (indicating book), and the stubs will show the names; and you see that the auditors have examined all this by that mark there which they made (indicating a mark).

By Mr. Clay:

Q. That was for 1885?

A. 1885 and 1886.

By Mr. Bardsley:

Q. What is this book (indicating a book)?

A. It is a complete list of the pawnbrokers.

Mr. Clay: I move that the Committee now go into Executive Session.

The question being upon the motion of Mr. Clay,

It was agreed to.

Whereupon the Committee went into Executive Session.



# FIFTH DAY

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## COMMON COUNCIL CHAMBER.

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PHILADELPHIA, *September 9, 1886.*

The Committee re-assembled at 5.30 o'clock P. M., this day, in the Chamber of Common Council, pursuant to adjournment.

Present:—Mr. Roberts in the Chair; Mr. Eckstein, Clerk, and the following members of the Committee—Messrs. Edwards, Bardsley, Iseminger, Claridge, Clay, Reinstine, and Lawrence, President of Common Council; of Counsel—Mr. Warwick, the City Solicitor; Messrs. Earle and White, as representing the Mayor.

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*Francis C. Van Blunk*, being duly sworn, according to law, testified as follows:

Mr. Clay: Before the testimony of this witness is taken it has been suggested that it should be stated what we are about to do, in order that Major Linton shall have notice to do whatever his counsel advises him to do. There is matter before the Committee in connection with the Major, and which, if proven, in the judgment of the Committee and in the estimation of the City Solicitor, will criminate him. We have no

desire to do that, but certainly this statement is made in order that the Major, through his counsel, may determine whether he will come upon the stand or not.

Mr. White (of counsel for the Mayor): I think that the member of the Committee, who has just spoken, referred to us as counsel for Major Linton. We are not counsel for Major Linton, and I do not know of any proceedings against him. We are counsel for his Honor, the Mayor, and represent him here in anything concerning him.

Mr. Clay: The Committee don't desire to do anything that will operate against the Major, but we do want to get a full knowledge of the transactions in which he has been concerned, touching this investigation.

Mr. White (of counsel for the Mayor): I understand that. I have nothing to do with such action of the Committee. I simply say that we are not counsel for the Major, and cannot take any responsibility on his account, or give advice to him; nor do I think that any proceedings here touching his conduct affect our client, the Mayor.

Mr. Earle (of counsel for Mayor Smith): If you think the Major ought to have counsel, I would suggest that he be so notified, and that he be given an opportunity to get counsel. Certainly we are not his counsel.

Mr. Clay: Well, we will proceed with the examination.

By Mr. Clay:

Q. (Addressing the witness, Van Blunk). Where do you reside?

A. No. 1206 South Sixth street.

Q. That is your residence?

A. Yes, sir.

Q. Do you have a place of business?

A. It is there also.

Q. What is your business?

A. I am a real estate agent.

Q. Do you know John L. Linton?

A. Yes, sir.

Q. What relation have you with him, if any?

A. He is the lessee of a house I am the agent of.

Q. Located where?

A. I cannot give you the number at present, but it is on Park avenue north of Diamond street, on the east side.

Q. Did you ever have any other relations with him?

A. No, sir.

Q. You collect the rents of that house from him?

A. I do.

Q. Did you ever receive money from him for any other purpose?

A. No, sir.

Q. Except for the rent of the house he occupies as tenant under you?

A. That is all.

Q. Do you recognize this check?

(A check here produced and shown witness.)

A. No; I cannot say that I do. The time is so far back.

Q. Look on the back of the check and tell us whether you recognize the endorsement?

A. I do. It is mine.

Q. Whom did you receive that check from?

A. I suppose from Mr. Linton, judging by the signature and my endorsement.

Q. Did any other person ever pay you the rent of that house?

A. I have received moneys from other parties for him.

Q. Are you acquainted with his signature?

A. I cannot say positively that I am.

Q. You say that you received that check as rent of the house that Major Linton occupies?

A. I suppose so. I would accept that as my signature (indicating signature on check), but it is dated so far back.

Q. You never received money for any other purpose from Major Linton?

A. No, sir. I have no recollection of it, and I don't know that I did. Our business relation has stood as landlord and tenant—I am an agent and he is the lessee.

Mr. Clay: Does Major Linton desire to say anything?

Major Linton: I am not represented here by any attorney, but I am willing to take the stand and make an explanation about the check, by permission of the Committee.

Mr. Clay: Very well; but that is something for you to determine yourself.

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*John L. Linton*, recalled.

Mr. Clay: If Major Linton is going to take the stand, wouldn't it be well to inform him that he need not testify if he does not want to. And wouldn't it be well to suggest to the City Solicitor that he should instruct him as to his rights?

Mr. Clay: I was just going to ask that that should be done.

Mr. Warwick (the City Solicitor): Major: If any answer you should give to any question will tend to criminate you in any way, you need not answer the question—you need not answer it.

The Witness: I am willing to answer all questions put to me with reference to that check. I am perfectly willing to answer.



By Mr. Claridge :

Q. Is that your receipt ?

(A paper is here produced and shown witness.)

A. It is.

Q. Is that your endorsement on the check ?

(A check is here produced and shown witness).

A. That is my endorsement.

Q. Tell us whom you got it from ?

A. I got it from the Penn Oil Manufacturing Company.

Q. Tell us why it was paid you ?

A. For a license of a wholesale dealer.

Q. Didn't you state to this committee yesterday that you had kept in your possession all the moneys you received for licenses, and that they never went out of your possession ?

A. I did.

Q. Can you explain to the Committee how you could give that testimony and yet use this check in payment of your rent ?

A. I will explain it to the Committee and my explanation will cover checks of this sort or kind. There may have been others. Usually I received the cash. In this case the payment was by a check, and, to save myself the trouble of going to bank and collecting it, I paid it to Mr. Van Blunk as cash on account of my rent, besides \$20 in cash. My warrant for the previous month had not yet been cashed. It was to save myself the trouble of collecting this check, which I did in all cases of coal oil licenses, take them to bank and have them cashed, and then deposit the money in the fire-proof. The very day on which I presented this check, or handed it to Mr. Van Blunk, my warrant was cashed for my previous month's pay, and then I took \$20 out of that, which this check represents, and placed it in the fire-proof, together with the other moneys for the coal oil licenses. That is my truthful explanation of the matter.

Mr. Earle (of counsel for the Mayor). As this is an investigation of the Mayor, I think the witness ought to be asked whether the Mayor had any knowledge of the transaction.

By Mr. Clay :

Q. Can you answer that question as stated by Mr. Earle ?

A. The Mayor had no knowledge of it.

Q. It was something you did yourself ?

A. Yes, sir.

Q. Did you report it to him.

A. No, sir—I didn't. The money on the same day went into the fire proof with the other moneys collected for coal oil licenses, in the same manner I have represented.

Q. What did you mean when you said that this money was never used in any way by anybody—neither by the Mayor, yourself, or by anybody else ?

A. I mean just what I said.

Q. And notwithstanding the fact that you used this check ?

A. It was a matter of simply going to bank and drawing the money and placing it in the fire proof. Probably within from fifteen to twenty minutes afterwards the warrant was cashed and the money was placed in the safe. It saved me the trouble of going and getting the cash.

Q. On what day of the month is the rent due ?

A. On the first of the month.

Q. Do you ever pay it before it is due ?

A. Never. Yes—I have paid it in advance.

Q. You have an account in the Provident Life and Trust Company ?

A. I have.

Q. What did you do with other checks of this kind which you received ?

A. I don't know. If I turned them into cash that way I immediately placed the cash in the fire-proof—always. I never allowed the banking hour to go over.

Q. What was the object of your keeping an account in the Provident Trust Company?

A. I have some money belonging to my wife, and I have a small income, myself, from my father's estate.

By Mr. Bardsley :

Q. At what time in the month did you pay the rent that this check was a part of?

A. On that same day. I didn't want the agent to call the second time for the rent. I didn't have cash enough of my own at the time—only \$10. I gave him the check in order to relieve him from coming another time for the money.

Q. On the 25th of February you paid the rent and this check was part of it?

A. Yes, sir. Sometimes I paid it later in the month, and sometimes earlier.

Q. What did you say a few minutes ago, as to how soon afterwards you received your warrant?

A. About the first of the month.

Q. But what did you say a few moments ago, as to when you received your warrant after this transaction? Did you say a few days?

A. No. The check is dated February 25th. I held that check. It was not drawn, not presented for payment until the date of the payment of the rent, which I think was paid at the beginning of the month. I held this check without presenting it to the bank and paid it to Mr. Van Blunk as part of my rent. That is the way it occurred.

Q. I understood you to say, a few moments ago, that you paid it to Mr. Van Blunk on the day it is dated?

A. I didn't say that.

Q. Didn't you say that a few minutes ago?

A. From the date of the check I am convinced, in my own mind, that I held it several days, until probably after the first of the month.

Q. Didn't you tell this Committee, a few minutes ago, that you paid it to Mr. Van Blunk on the day it is dated?

A. No, sir. You misunderstood me.

Q. When did you pay it to Mr. Van Blunk?

A. Upon the first of the following month.

Q. About the first of March?

A. Yes, sir. I held it from the twenty-fifth until about the first, or second, or third of the month.

Q. Of March?

A. Yes, sir.

Q. When do you get your warrants?

A. On the first of the month. Sometimes on the day or the evening before.

Q. Sometimes on the last day of the month and sometimes on the first of the month?

A. Yes, sir.

Q. Then what object could you have in using this check at all in the way you have stated?

A. I have explained that. My warrant was not cashed. It was there on my desk at the time. On the very day I paid my rent my warrant was there. When I used that check as part payment—on that very day, that identical day, my warrant was cashed and the \$20 or the \$10, were placed in the fire-proof where the money belonged.

Q. Why did you use it?

A. Only as a matter of convenience to myself—instead of going to bank and drawing it.

Q. Then it was about the same day you got your warrant cashed?

A. I have already said that on the very same day I paid my rent my warrant was cashed, and the \$20 or the \$10 were placed in the fire-proof.

Q. I understand you to say, now, that within a few minutes afterwards you got your warrant cashed?

A. Yes, sir.

Q. What did you say you did with similar checks?

A. If I received any others, some were drawn from the bank, and I may have placed the cash in the fire proof, or I may have taken them myself.

Q. Didn't the majority of the wholesale dealers pay in checks?

A. I am not sure of that. I think a great many paid cash. I don't recollect.

Q. When you received a check you went to bank and drew it?

A. Yes, sir; or if I cashed it the money was placed in the safe. I may have placed it in my own account.

Q. How do you mean?

A. In the Provident account.

Q. Sometimes, then, you deposited these checks in the Provident?

A. If I cashed them I placed them there. But if, cashed them I placed the money where it belonged, in the fire proof.

Q. I understood you to say to Mr. Clay that you only used the Provident account for private matters?

A. Yes, sir; for myself and wife.

Q. You were in the habit of using or depositing these checks?

A. I cashed them myself if I had the money and took the check and deposited it and placed the money in the fire proof.

Q. Then you would deposit the checks and draw the money from the Provident?

A. No, sir; I mean if I had the cash on hand I would invariably cash the check and place the money in the fire proof, and then take the check and get it cashed. And I paid the Fire Marshal's fees before I took the check myself.

Q. How much did the Fire Marshal get out of this check?

A. Five dollars.

Q. And you got five dollars.

A. Yes, sir.

Q. And the city got ten dollars ?

A. Yes, sir.

Q. Did you deposit all or nearly all of the checks of this character in the Provident account ?

A. No, sir ; nearly all of them I sent and had them drawn. It was very seldom it occurred in any other way. If I had the money I would do it in that way in order to settle with the Fire Marshal, which I did, regularly, on the following morning.

Q. You did not keep his money, at any rate ? You paid him every morning ?

A. I did. I settled with him daily for the previous day's work.

Q. Did you hear Mr. Wood's testimony last evening ?

A. I did, and it was false.

Q. You say it was false ?

A. Most positively false. I paid him daily, and he was very prompt in calling for it.

Q. Every morning ?

A. Yes, sir.

Q. So you didn't get a chance very often to deposit in the Provident ?

A. No, sir. I never used the checks in that way. I preferred not to have the use of one cent of the city's money in my own private account.

Q. That is what you testified to yesterday, very distinctly and emphatically, and that is why I have called your attention to the matter ?

A. The facts of the transaction as they occurred in connection with this check may have occurred with any ordinary business man. They do occur—they occur constantly.

Q. There was no intention of using the money ? You never did use any of these moneys ?

A. No, sir.



By Mr. Edwards :

Q. How often did you pay your rent, monthly or quarterly ?

A. Monthly.

Q. Ever in advance ?

A. Sometimes in advance.

Q. What was your monthly rent ?

A. Thirty dollars.

Q. What does the house rent for ?

A. Thirty dollars a month. I have been in it for nearly ten years.

Q. How did you pay the balance of that rent ?

A. By cash out of my pocket. I made it up in that way in order to save the agent from calling a second time for his rent. It was done in that way. It is something that you gentlemen, and all of you are business men, will understand. I did it to save myself the trouble of collecting the check, and to accommodate the agent, who called for the rent. Inside of fifteen minutes afterwards I received my warrant. My warrant was cashed. It was lying in front of me at the table. Then the amount of \$10 was placed in the fire-proof, together with the other moneys from the coal oil licenses.

Q. What was the manner of paying your rent ? When it was due ? What was done by you and the agent ? Did you go to him to pay the rent, or did he call for it ?

A. He would call for it ?

Q. Where would he call for it ?

A. Sometimes at the house and sometimes at the office. Before I occupied that office it was generally at the house.

Q. Where was the rent paid on the occasion that this check was used ?

A. At my desk in my room.

Q. Where was this check at the time ?

A. Lying in front of me.

Q. In your room ?

A. I think it was on the desk ; but I may have taken it out of the fire-proof. I cannot tell about that.

Q. What did you do, as a rule, with money for licenses when they came in your possession ?

A. Invariably placed them in the fire-proof.

Q. You did not always keep them there, like Mr. March ?

A. I don't understand you.

Q. You did not always keep the money in the safe ? You put it in the safe, but you did not leave it remain there ?

A. Yes, sir ; all the time. Every dollar I received for coal oil licenses and for amusement licenses and gunpowder licenses which was not paid over to the City Treasurer, was kept sacred in the fire-proof.

Q. You knew that this was city money ?

A. Not all of it ; ten dollars of it only ; the other was the Fire Marshal's.

Q. You knew you had collected those ten dollars, payable on a check. Did you hold that sum for the use of the City of Philadelphia ?

A. Well, there was my warrant ; and it did not exceed thirty minutes—it may have been only fifteen minutes—before the warrant was cashed, and the money was then placed where it belonged.

Q. How many checks of this kind did you deposit in the Provident ?

A. I cannot say whether I ever did before. I may have. If I did, the cash was paid into the fire-proof in lieu of the checks always. I want you to distinctly understand that this is the truth, under my oath, in reference to the matter.

By Mr. Roberts, Chairman :

Q. Did you ever carry such checks for several days before you used them ?

A. I may have done so. Doubtless, by the date of it, it was done in this case. The Fire Marshal was settled with the following morning.

Q. But the bank was so near that it would have seemed to be better for you to go and draw it. Suppose, for instance, that man had died ?

A. Well, probably it would have been better. I see it now.

By Mr. Lawrence :

Q. Why did you not give your own private check for this money ?

A. The reason was that I had my warrant before me, and expected every moment that it would be cashed. That is why I did not do it.

Q. You have referred to ordinary business men. Do any business men, as a rule, give their own checks in payment of bills ? I never would think of giving a man a check paid to me. I would give him my check and deposit a check payable to me ?

A. That would be, probably, the best course to pursue. But I am not idle in the office. I was very busy, probably, at this very time. I don't recollect the exact time, but I know that in order to save my time and to save the agent trouble I did it in this way.

Q. When you said "my room," you meant the office ?

A. Yes, sir.

Q. You say that you had this check in front of you on the desk ?

A. Either I had it before me on the desk, or I took it from the fire proof.

Q. And the way you came to take it was because it happened to be in front of you?

A. It was the only check I had on hand at the time. I don't know whether I took it from the fire proof or whether it was before me.

By Mr. Roberts, Chairman :

Q. How much longer would you have kept it if the agent had not called?

A. Only to the end of the month, at any rate.

By Mr. Bardsley :

Q. Why do you say "only to the end of the month?"

A. Because at the end of every month I count the money over to see that it corresponds with my memorandum of cash.

Q. Then you did keep memorandums of cash?

A. Yes, sir.

Q. In a book?

A. No, sir: They were little slips—designating the parties who had paid, and where they resided and what the money was paid for.

Q. What did you do with those little slips?

A. When I settled the account I had no more use for them.

Q. With whom did you settle?

A. With the Mayor.

Q. When did you settle with the Mayor?

A. I gave him the money the day he paid it into the City Treasury.

Q. How long had you had that money?

A. It was a small amount—\$300 or \$400 or \$500. I had it from the middle of January, a small portion of it, and then it increased as time run on.

Q. So you carried those little slips from January until you paid the money to the Mayor and he paid it into the Treasury, some time in August?

A. Yes, sir.

Q. Did you carry those slips around with you from January to August?

A. Yes, sir.

Q. Where did you carry them?

A. On a file.

Q. They were just little slips in front of you?

A. Yes, sir.

Q. Those were your only memorandums?

A. I entered them in the coal oil book.

Q. What is that?

A. I entered them also in the coal oil book, the wholesale and retail dealers which I have at the office.

Q. You entered the receipts in that book?

A. I entered the daily payments made to me in that book, and I also kept memorandums which I destroyed after the settlements were made.

Q. Why did you keep memorandums of them?

A. I don't know; but as a sort of a check, one against the other.

Q. It was a check upon yourself, and when you made the entries from the slips into the book you didn't have any further use for the slips?

A. No further use.

Q. Still you held on to them?

A. I destroyed them when the moneys were paid into the City Treasury. I no longer had any use for them.

Q. I understand you that this check was either on your desk or in the safe the day you paid your rent, and that you took \$10 more than the amount of the check and put those \$10 to it. May I ask you where you got the \$10 from?

A. I took them from my pocket.

Q. Not from the safe?

A. No.

Q. But you had money from the safe?

A. I had the whole of the money.

Q. Did you only take the check from the safe and leave the money there?

A. Yes, sir.

Q. What difference would it have made if you had taken \$10 in notes from the safe instead of taking the check out?

A. I wanted to have the check collected.

Q. You wanted to save the trouble of depositing it in the Provident. You had been waiting several days with it when the agent called upon you—about the first or second or third of the month. He happened to call the same day you got your warrant. Had you been keeping this check waiting for him to call upon you?

A. No, sir.

Q. Had he called before to see you?

A. I don't think he had.

Q. I understood you to say that he had?

A. I don't recollect. He can answer that question himself.

By Mr. Edwards:

Q. Are you in the habit of taking receipts for your rent?

A. Always.

Q. Have you a receipt for this rent?

A. I have it at home, but not here.

By Mr. Clay:

Q. You recollect the testimony of Mr. Lovatt. He testified that he was present the day Etta Hymens paid you \$100 for a license, and he fixed his presence from the fact of seeing her execute a bond at the time the payment was made. If you recollect your testimony yesterday, it was to the effect that Etta Hymens had never signed a bond.

A. I don't recollect that I said that.



Q. You have found the bond of Mr. Rosenthal but not the bond of Mrs. Etta Hymens?

A. I didn't look for it; you told me about Mr. Rosenthal and I found Mr. Rosenthal's for you.

Q. Didn't you testify that there was no bond in this book (indicating bond book) in favor of that woman?

A. No, sir; I don't recollect that I did.

(The book is here exhibited to witness and a certain bond pointed out to him.)

The witness: That is the bond of Etta Hymens, but it is cancelled.

Q. What do you mean by that?

A. When she called to see me in reference to her license, she said she didn't expect to be in business long—that she expected to go out of business, but that she would give her bond. That is all that occurred. Then she notified me about going out of business and I returned her policy of insurance?

Q. But what about her money

A. I have no recollection of any payment of money to me, unless it is on the list which you have. I have no memorandum, no knowledge, no nothing that she ever paid the money. The reason, I think, was very likely because she was going out of business.

Q. So that it would have been of no particular use to her to do it?

A. I expect that she thought it was of importance for her to at once execute her bond. I told her that. I told them all that. I told them that if they kept their doors open they must have their bonds executed.

Q. Didn't you tell her also that it was equally necessary to have a policy of insurance filed?

A. That she did. When she went out of business she gave me notice and I sent her the policy of insurance.

Q. Well, we have testimony before the Committee that certain parties saw her pay the money?

A. I had no memoranda, no nothing that she paid the money. If she paid it it is in the book, which is here.

By Mr. Lawrence.

Q. Did you yesterday disclaim all knowledge of Etta Hymens?

A. It was on account of her going out of business when the bond was cancelled and the policy returned.

By Mr. Bardsley.

Q. Now, that bond is here (indicating a book), you might have told us that?

A. Well, it was cancelled and was not in existence. That was my meaning.

Q. Do you mean to tell this Committee that you wanted us to infer that you knew she had a bond?

A. No, sir. I didn't recollect the case at all at the time I gave that testimony.

Q. Now, this is the lady who told her friend that she had not paid you the five dollars. Perhaps that will bring it to your mind?

A. Her money is not there. And all the parties who paid have their names entered in this book (indicating a book). I was asked the question if there was a bond for Etta Hymens. It was my error in saying that she had not given a bond. She had given it, but she went out of business, and we cancelled it.

By Mr. Lawrence:

Q. Were you not handed a slip yesterday, containing the name of this lady asked to furnish the Committee with information as to whether she had filed a bond or not?

A. Etta Hymens' name was not on the list given me. Mr. Rosenthal's name was on it. I tore up the memorandum today, but I have the torn pieces in my waste basket.

Q. When this book was brought before the Committee by you (indicating a book) you exhibited the bond of Daniel Rosenthal, and made a positive assertion that Mrs. Etta Hymens had not filed any bond?

A. I didn't make a positive assertion. I was asked by somebody whether her bond was given. Somebody back of me said that there was no bond of hers.

By Mr. Bardsley:

Q. Who said that?

A. I don't know who. Somebody back of me said it, and my impression was that there was no bond; but her bond is here undoubtedly (referring to the book). I made a thorough examination with regard to Etta Hymens, and I can find nothing that designates that she paid her license.

By Mr. Roberts (Chairman.)

Q. Did you ever balance your cash to see whether it agreed with your slips?

A. Yes, sir. I go all over it—I do that every month. And the moment the Mayor told me to bring the money into him, I brought the whole into him.

By Mr. Reinstine:

Q. You have stated before the Committee, that Mrs. Hymens came to you and gave you notice that she was going out of business?

A. Yes, sir.

Q. And upon her saying so you cancelled the bond?

A. Yes, sir.

Q. When was that?

A. I don't remember the date; but the policies were sent for and handed to her. In her case her policies were transferred to the Mayor, which was an error of the Insurance Company, and it was necessary for me to go to the Company and get them re-transferred, and he had to sign the re-transfer.

Q. Is it not the law that pawnbrokers have to keep goods for a certain length of time?

A. I don't think that she did any business whatever.

Q. But she did business in December. She had to keep the goods for four or six months—didn't she?

A. I don't know what the law is.

Q. She had a place open and was doing business and receiving deposits?

A. I don't think she did any business.

Q. She was doing business in December, and if she didn't take out a license in January she couldn't deliver the goods?

A. Well, I don't know about the law.

Mr. White (of counsel for the Mayor). Whilst I am not counsel for Major Linton I think it is only right and just, regarding him, to call the attention of the Committee to something they may have overlooked. As I understand it, this check in question was given to cover two payments—one to City and one to the Fire Marshal. Now—this is the point I make—not a dollar of that belonged to either, until the money was so appropriated. Of necessity, this man must have made a division. It was his duty in getting a check for \$20, in some way to cash the check and give half of the proceeds to each of the persons entitled to them—not half of the check. He couldn't do it otherwise.

Upon motion the Committee now adjourns.

# REPORT.

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To the President and Members of Common Council  
of the City of Philadelphia.

GENTLEMEN:—The Committee appointed under the resolution of September 2, 1886, to investigate accusations against Hon. William B. Smith, Mayor of Philadelphia, and the management of the department under him, respectfully reports that, on September 4, 1886, a meeting was called in the Select Council Chamber, in pursuance of said resolution, for the purpose of taking testimony in relation to said charges. A number of witnesses had been subpoenaed, and were about to be called, when Mr. Bardsley, a member of the Committee, arose and invited the gentlemen who represented his Honor, the Mayor to make any statements that they might deem proper, looking to the refutation of any of the charges. Mr. Ruddiman, of counsel for his Honor, the Mayor, then handed to the Committee a letter, dated September 3, 1886, addressed to Charles Roberts, Esq., Chairman, and members of the Committee of Investigation, which letter is printed in full, and will be found on page 7 of the testimony taken in the case, and presented with this report. The first witnesses who were called were the pawnbrokers, whose names had been furnished to the Committee. They testified that they had each paid to Major John L. Linton, the Secretary of the Mayor, \$100 for licenses, for 1885 and 1886, as required under the ordinance

of February 16, 1856, sect. 1. A number of these witnesses testified that they had paid these fees by check.

A. J. McGarry produced five checks. The first, No. 461, dated January 3, 1885, on the Penn National Bank, to the order of the City Treasurer, or bearer, for \$100, signed A. J. McGarry. Endorsed "William B. Smith, Treasurer." Deposit to the credit of William B. Smith, Treasurer. Mr. McGarry stated that when the check was originally presented to the said Secretary of the Mayor the words "Or bearer," in print, were stricken out. In answer to the question—"Were the words stricken out by you?" he replied, "Yes, sir." He was then asked, "But the words, 'Or bearer,' in writing, were inserted; was that by you?" He answered, "That is not my handwriting," and further stated that it was not done with his knowledge or consent. See pages of the printed testimony 27 to 30.

Check No. 92, of date January 3, 1885, to the order of the City Treasurer, or bearer, \$100, signed Harvey & McGarry, and endorsed "William B. Smith, deposit to the credit of William B. Smith, Treasurer." The testimony in relation to this was the same as that in regard to the previous check. Three other checks were handed to the witness, dated January 6, 1886. Two of them, Nos. 8 and 9, were on the National Bank of the Northern Liberties, payable to William B. Smith, or order, \$100, signed A. J. McGarry, and endorsed "Deposit to the credit of William B. Smith, Treasurer." The other check, No. 121, dated January 6, 1886, on the Penn National Bank, payable to William B. Smith, Treasurer, or order, \$100, signed Harvey & McGarry. Endorsed "Deposit to the credit of William B. Smith, Treasurer." The witness testified that the checks were handed by him to the Secretary



of the Mayor, and that originally they were drawn to the order of the City Treasurer, and that without his knowledge, or any authority from him, the name "William B. Smith" was written in the body of the checks after they left his hands.

(See Testimony pages 29, *et seq.*)

It was further shown in testimony that in many instances in 1886, even when the conditions of the ordinance were complied with, the licenses were not issued for many months after the payment of the fees, and the testimony showed that in 1885 in many cases licenses were not issued until December of that year. It was further in evidence that upon the fifth day of January, 1886, a fee of \$100 for a license was paid by Daniel Rosenthal, a pawnbroker, who at that time was in business at 1127 Poplar street, and in the return made by the Mayor to the City Controller and City Treasurer no such amount for such a purpose is accounted for.

In another case brought to the attention of the Committee, Thomas B. Lovett, residing at No. 224 Lombard street, testified that he was in Major Linton's office the morning that Mrs. Etta Hymens came to pay her license; that he saw her go to Major Linton, and saw her bondsman sign the bond, and saw her take out her pocketbook and take money out of it, but that then his attention was directed to another part of the room, and he supposed, of course, that she paid the money. He admitted that he did not see her give the money to Major Linton, but saw her take the money out of her portemonnaie. After that he walked down the street with her as far as Walnut street, and she made a remark that satisfied him that she had paid the money. This fee is not accounted for by the Mayor in his return to the Controller. Briefly, then, the testimony above referred to shows that money for

license fees as received at the Mayor's office in the years 1885 and 1886; that the fees was sometimes paid by checks, and that several of the checks were altered by some one in the office of the Mayor, without authority and not in the presence of the makers; that those checks, so altered, were endorsed by the Mayor, "William B. Smith, Treasurer," to correspond with the alterations made in the bodies of the checks, and by the said "William B. Smith, Mayor," deposited to his own account with the Fidelity Insurance, Trust, and Safe Deposit Company; that in many instances the conditions required by the ordinance of the city were complied with upon the part of the pawnbrokers, and that the licenses of the said pawnbrokers were not issued in 1885 until the close of the year, and in 1886 not until months after the fees were paid, and by reason of this negligence the said pawnbrokers were allowed unlawfully to conduct their business in this city in violation of the provisions of the act of February 24, 1859.

It was further shown that even after the payments of the fees, in many instances, the conditions required by law were not exacted by the Mayor.

The Committee then called witnesses in reference to the charges against the Mayor to his use of these moneys for his own purposes.

Robert M. Scott, the general bookkeeper of the Fidelity Insurance, Trust, and Safe Deposit Company, testified that he had charge of the account of William B. Smith, "Treasurer," that the account had been in that shape since December 8, 1880. The said William B. Smith also had an account as "Trustee," to the credit of which no deposit was made since the 23d of June, 1882. That as to the account of William B. Smith, "Treasurer," it appeared that on February 4, 1885,

the balance to his credit was \$2,929.10, and that the first item to his credit, under date of February 4th, is interest to the amount of \$9.27 on the average balance at 2 per cent. per annum for the previous six months. On the 5th of August another balance is struck showing \$6,714.10 to his credit, and on the same day is passed to his credit \$14.76 interest. The witness was then asked as to the condition of this account on the 1st of July of this year. The answer was that the Mayor had a balance to his credit of \$2,354.06, and on the 15th of July it was \$1,135.73; on the 24th of July it was \$754.47, and on the 28th of July, \$5.27; on the 30th of July it was \$27.67, and on August 2d \$52.54, and then it was overdrawn \$97.56, and on the 5th of August it was overdrawn \$47.66, and this overdraft was not made good until the 11th of the same month, and then a deposit of \$500 was made.

On the 20th of August he had \$1,014.44 to his credit; on the 21st of August he had \$414.44; on the 24th of August he had \$6,709.44, and on the 28th of August he had \$629.44, and that was his balance on the morning of the giving of the testimony by the witness. On July 6, two checks went to protest for the want of sufficient funds, checks Nos. 106 and 108 for the respective sums of \$123.17 and \$211.80. When the account was overdrawn the bookkeeper notified the Mayor of the over-draft, sending word to his office twice, first a written notice and then a verbal message. A number of checks were then produced running from July 20 to August 27, but the first check in the year 1886 to the order of Frank F. Bell, City Treasurer, for the moneys received by the Mayor for license fees, etc., was for \$400, dated August 20. The second check was dated August 23, and was for \$2,300, the third was

dated August 24, and was for \$5,300, the fourth dated the same date for \$670, and the fifth dated August 27, for \$128.

It was admitted by his Honor, William B. Smith, that all the moneys that came into his hands by cash and by check for the issuance of pawnbrokers' licenses were deposited by him in his account with the Fidelity Insurance, Trust and Safe Deposit Company, and it was proved by the testimony of Robert M. Scott, the general bookkeeper of that institution, that these moneys were drawn upon by the Mayor for his personal use, and that he had no other account in that bank in which these moneys were deposited. That during this time the balance was reduced to the sum of \$5.27, and at times overdrawn. Robert P. Dechert, City Controller, submitted to the Committee an analysis of the Mayor's returns, made on the 27th of August, compared with the payments made by the Mayor into the City Treasury. At the close of January, 1886, he should have paid into the City Treasury \$5,660, and at that time he had paid nothing. At the close of February he had collected \$6,470. At the close of June, his collections had increased to \$8,432.39. In other words, at the end of June he was short \$8,432.39. On the 2d of July the shortage had increased to \$8,834.39, and on the 13th of August the amount was \$9,008.53. On the 17th of August \$9,108.53, and by reason of a payment to the city on the 20th of August it had decreased to \$8,483.53. The Controller further testified that in May or June, he called Mayor Smith's attention to the fact that no money, save \$2.50, had been paid into the City Treasury, and that unless there was a payment made, the department would receive no credit in the estimates that were being prepared for Councils upon which the appropriations were to be based for the year 1887.

The reply of the Mayor was, that the matter would receive his attention promptly, but nothing was done. The above testimony having been taken, Mr. Roberts, the Chairman, stated publicly that it was the sense of the Committee that the Mayor should be heard personally, or by counsel, and also any witnesses that the Mayor might designate should be heard before the Committee, and that it would give the Chair, as representing the Committee, great pleasure to issue orders for any subpoenas desired by the Mayor or his counsel. After this announcement by the Chairman of the Committee, the first witness to appear was Howard March, Chief Clerk to the Mayor, who testified that it was his duty to collect the fines of policemen and the penalties for redemption of dogs. That in 1884 he collected for redemption of dogs \$1,140. That of that amount he turned into the City Treasury \$810, and retained in his possession \$330. In 1885 he collected from this same source \$1,784, of which amount he paid into the City Treasury \$1,084, retaining in his possession \$700. In 1886 he collected \$1,148, all of which money he returned to the City Treasurer, still retaining the balance of City's moneys he had collected during 1884 and 1885, amounting to \$1,030, which, after giving his testimony, the Committee directed him to pay to the City Treasurer.

The Committee also examined as witnesses the Chief of Police and Mr. Kelly, the Chief of Detectives, a number of lieutenants, and some special officers, among the latter of whom may be named Alexander Gray, and the Committee respectfully refer your Honorable Body to the testimony to be found on pages 202 to 279.

The developments made in the testimony produced before the Committee resulted in bringing about the resignation of



Alexander Gray, who upon the stand admitted that he had "sneaked from his duties," and that he would do so again if he had the opportunity. At the time this testimony was given, a warrant was in the hands of the Controller for his pay for the month of August.

John L. Linton was called as a witness, and testified that he was Secretary to the Mayor; that he had altered the checks of A. J. McGarry and Harvey & McGarry, which had been received by him in payment of fees for pawnbroker's licenses. That the alterations in the checks had been made so as to enable him to deposit the checks to the credit of the Mayor, in the name of "William B. Smith, Treasurer." He further testified that no parts of the receipts for coal oil, theatrical or gunpowder licenses ever left his custody from the date of receipt to the date of their payment into the City Treasury. Yet it was subsequently shown, on the testimony of reliable witnesses, and admitted by Mr. Linton himself, that he had used a check for the payment of his rent—a check received from the Penn Oil Manufacturing Company in payment of their coal oil license for 1886. It was also in evidence that the Secretary to the Mayor kept no books of account, no books showing the receipts of the Mayor's office or of payments to the City Treasurer, nor were there any books in which were kept the records of the details connected with the issuance of licenses to pawnbrokers. Without commenting further upon the methods of Mr. Linton, the Committee respectfully refers to his printed testimony.

Hon. William B. Smith then came upon the stand. The Chairman of the Committee asked him to make any statement that he desired to make bearing upon the matter under investigation. He testified that in 1884 he instructed Major Linton,



who was his secretary, to examine into the matter of the pawn-brokers licenses, and to compel the payment of the fees, and a compliance with the conditions required by law. Early in 1885, the money received as license fees was placed upon deposit in the Fidelity Insurance Trust and Safe Deposit Company to the account of William B. Smith, Treasurer, which was a general account, "never truly official and even personal." He further admitted that the said money which was so deposited had been drawn against and used by him for his own purposes, and that at the time he felt completely satisfied that the City of Philadelphia could not be put to any loss, as he always had resources far more than the amount so deposited, subject at any time to any demand from the city. He testified that when this demand was made upon him he could have paid the City Treasurer, in direct cash, out of the safe in his office?

In regard to the money for the redemption of dogs, he stated that he assigned Mr. March as the agent to receive all moneys from that source. It will be seen by a reference to the testimony of the Mayor, to be found in the printed testimony from pages 337 to 394, that the defence set up by the Mayor, as to the use of this money, was in order to remove any suspicion of an intention on his part to misuse it or misappropriate it, and that he felt himself able at all times to meet every demand from the City for these moneys, as he had a greater sum in his safe, or in his pocket, than was due the City, but that he did not so pay it while these charges were being made, simply because he did not care to be driven. In corroboration of these statements Mr. Fell, a clerk in the office of the Mayor, testified that there was a private safe in the office in which the Mayor kept large sums of money. Mr. Fell also stated that upon one occasion, the date he could not

remember, he thought he counted the sum of \$15,000, and that the money so deposited was in packages; and, in further corroboration, Isaac H. Shields, Esq., counsel of the Mayor, said at one time, seeing a large package of money in the safe, although he did not know the amount, he told the Mayor that it was not prudent to keep money in that way.

The Committee, after a careful examination into and a conscientious consideration of all the facts, says with great reluctance that it is most difficult to believe the statement of the Mayor that he had at all times in his safe sums of money ranging from \$5,000 to \$15,000, which money was kept as security for the deposits in bank, that he might at all times be ready to meet any demands from the City for the return of the license fees. This late defence is not consistent with the early statements of the Mayor in relation to the matter. It must be remembered that the Controller in May or June called upon him personally for an annual estimate, and for a return into the City Treasury of all the moneys collected by his department; that the balance to his credit in the Fidelity Company was upon one occasion reduced to the sum of \$5.27, at other times overdrawn, and in July his checks had gone to protest. That serious charges and accusations were affecting his standing as a man, his reputation as a public officer, and the fair fame of the City.

The Committee does not think it probable that any man, under such circumstances, if proof had been so close at hand would have failed to remove from his name the reproach and shame that was cast upon it. And even when the Controller was making an audit of the account at the office of the Mayor, and calling for the production of the deposit and check books, not a single reference was made to the money in the safe, the

very production of which, with proof that it had always been kept to secure payment in case a speedy demand should be made, would have relieved him of the serious charge of the embezzlement of public funds. And the Committee is further constrained to find that the testimony of Mr. Fell does not corroborate the testimony of the Mayor upon the point that he had money at all times in the safe in sums sufficient to secure the payment of the moneys received for the city on deposit, to the credit of the Mayor in the Fidelity Insurance, Trust and Safe Deposit Company, inasmuch as Mr. Fell did not know the amounts of money that were in the safe, and kept no account of them, although in a measure he was the custodian and the only person, except the Mayor, who knew the combination to the safe. He did testify that upon one occasion he thought he handled and counted \$15,000, but could not tell when it was. He kept no memorandum of the amount, and could not state the amounts that were in that safe at different times; in fact admitted that he refrained from ascertaining the amounts; nor could he tell what sum of money was taken out of the safe the day the deposit was made. The testimony, also, of Isaac H. Shields, Esq., is not in corroboration of the statement made by the Mayor. The fact that he, at one time, called the Mayor's attention to the keeping of a large sum of money in the safe, in no wise proves that that amount of money was kept there at other times, and all times, for the purpose of meeting just such a demand as was afterwards made by the Controller, and after some delay complied with by the Mayor.

It is respectfully submitted by the Committee that the most careful consideration has been given to the testimony received. That under the resolution its simple duty was to find the truth or falsity of any of the charges and accusations made against

the Honorable William B. Smith, the Mayor of the City of Philadelphia. That without prejudice, bias or feeling, it has been the simple purpose of the Committee to call every witness who could in any way throw light upon the charges made. But, under the resolution, the Committee is of the opinion that there is no middle course for it to adopt.

A reference to the resolution will show what is required of the Committee, it reads as follows: "And the said Committee are hereby instructed and directed to make report to Common Council as to the truth or falsity of such accusations, and if the truth of such accusations be established by the facts, and proofs exhibited before said Committee, that their report be accompanied by articles of impeachment," in other words, that the report be in favor of impeachment.

It will be seen that the resolution directs if all or any of the said accusations be established that the Committee must report in favor of impeachment, and in order to find for impeachment the Committee is of opinion that it is not necessary that the Mayor should be guilty of a crime, but that mal-administration, misuse of public funds, negligence and carelessness in the discharge of the duties of the office, by reason of which negligence and carelessness opportunities were given for the commission of crimes, are such malfeasance and mal-administration as will subject the Executive of the Department to impeachment.

The Committee submits the following as its findings upon the charges preferred, and the testimony submitted: That his Honor, William B. Smith, Mayor of the City of Philadelphia, is guilty of misdemeanor and mal-administration in office:

1. By receiving and retaining money paid for license fees, which it was not made his duty by any law or ordinance to receive, and then appropriating said money to his own use.

2. By retaining moneys received during the years 1885 and 1886, and neglecting to pay the same into the City Treasury in accordance with the ordinance of the city, approved the twenty-third day of December, 1872.

3. By failing to enforce the ordinance of January 19, 1856, regulating the trade of business of pawnbrokers, thereby permitting the said trade, or business, to be unlawfully carried on in 1885, until the latter end of the year, and in 1886, until August, and in some cases up to the present time, without the licenses required by said ordinance being first obtained.

4. By failing to exercise proper supervision over the affairs of his office, whereby moneys belonging to the city were collected during the years 1884 and 1885, and retained in the alleged possession of his Chief Clerk, who made no return to the City Treasurer or to the City Controller of moneys so received, and so retained, until forced to do so from fear of discovery in the investigation of these charges by this Committee.

5. In that he was negligent in the discharge of his duties as a sworn public official, whereby it was possible for John L. Linton, the Mayor's private Secretary, to alter checks, drawn to the order of the City Treasurer that the Mayor might deposit them in his private bank account, and that it was possible for the said John L. Linton to receive and retain public moneys and appropriate the same to his own use, which moneys should have been paid into the City Treasury, and in that the said John L. Linton was not required to keep any books of account nor to make return of those moneys which he had been delegated by the Mayor to collect.

6. By reason of his negligence in the supervision of the Police Department, special officers were appointed whose dereliction of duty had to be admitted, and whose services were so seldom rendered that they could not account before the Committee for the work for which they received pay from the city.

The Committee recommends the adoption of the following resolution :

*Resolved, By the Common Council of the City of Philadelphia,* That the Honorable William B. Smith, Mayor of Philadelphia, be, and hereby is, impeached for misdemeanor and mal-administration in office.

CHAS. ROBERTS (*Ch'n*),

HENRY CLAY,

GEO. B. EDWARDS,

ALEX. REINSTINE,

CHAS. F. ISEMINER,

JOHN BARDSLEY,

CHAS. LAWRENCE.



## MINORITY REPORT.

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*Philadelphia, September 13, 1886.*

To the President and Members of the Common Council  
of the City of Philadelphia.

GENTLEMEN:—As a member of the Committee to investigate the accusations against Hon. William B. Smith, Mayor of Philadelphia, I present the following report:

The resolution under which this Committee was appointed cites—

*Firstly*—That whereas, Honorable William B. Smith, Mayor of Philadelphia, has been openly and publicly accused of high crimes and misdemeanors in office, by the embezzlement and misuse of public moneys which have come into his hands.

*Secondly*—And with unlawfully changing and so altering checks drawn to the order of the City Treasurer, in payment of fees due the City of Philadelphia, as to be enabled to deposit such checks in a private banking institution to his account, and unlawfully retain, embezzle, and misuse the moneys realized therefrom.

*Thirdly*—And of other acts and deeds inconsistent with the high office of Mayor and the proper management of the department under him, the same being in violation of the laws

and ordinances governing and regulating the affairs of the City of Philadelphia.

The Committee, as a body, find that the charge of embezzlement and that of altering of checks by the Mayor has not been sustained. Under the broad specification of "Misdemeanor in office" I am compelled to disagree with some of my colleagues as to their judgment. My reasons for this dissent are: That in an opinion given by the City Solicitor to his Honor, the Mayor, on the 22d of August, in reply to a letter from the Mayor, he believed that the pawnbrokers' license money, *lawfully*, should have been paid *direct* into the City Treasury by them, and the City Treasurer's receipt then to be presented to the Mayor as evidence that the license money was paid; whereupon the Mayor should see that the requirements of the law was complied with and the necessary license issued.

*Further*, That the Mayor, in his testimony, swore that he did not regard this money paid into his hands as the city's money, and that by the advice of his counsel, the money received from the pawnbrokers was not the city's money, and that he was not acting as the agent of the city, but as the agent of the pawnbrokers, in receiving and retaining these pawnbrokers license fees, which evidence was corroborated by the counsel who gave this advice (Isaac H. Shields, Esq.), and further testimony of the Mayor, which was corroborated and uncontradicted; that he had at all times sufficient ready money in the safe in his office to meet any and all just demands upon him, and that when this question of paying this money, which was in his hands, into the City Treasury, became a matter of public comment, he sought the advice of the City Solicitor (his private counsel being away from the city at the time) and upon the same

day, upon receiving the advice from the City Solicitor that the moneys should be paid into the City Treasury, that they were so paid; thus showing no disposition to retain them, or to do aught than what he considered his proper duty to do, under the circumstances. That while the evidence submitted to them shows that the methods of the office could be greatly improved, that the Chief Executive has been careless in the supervision of his subordinates, who first received these moneys, and that these same subordinates have been guilty of irregularities and reprehensible acts, that I do not consider that it has been substantiated that the Mayor has been guilty of the serious charge which has been made against him, and therefore I consider it a duty which I owe to my own conscience, arising from convictions which have been born from the evidence adduced before the Committee, that nothing has appeared before the Committee which calls for or which would, in any degree, justify them in presenting articles of impeachment; therefore.

*Resolved*, That this report be adopted, and the Committee be discharged from the further consideration of the subject.

Respectfully submitted,

WM. R. CLARIDGE, JR.,

*Of Committee on Investigation.*



# INDEX.

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